



## 99TH GENERAL ASSEMBLY

### State of Illinois

2015 and 2016

HB2555

by Rep. Pamela Reaves-Harris

#### SYNOPSIS AS INTRODUCED:

See Index

Amends the Illinois Vehicle Code. Removes from the DUI offense operating a motor vehicle with any amount of an illegal drug in a person's system and makes it a separate Class B misdemeanor for a first offense and a Class A misdemeanor for subsequent offenses. Removes offense from implied consent for chemical testing for a suspected violation, statutory summary suspension for test refusal, driver's license suspension for conviction, and mandatory penalties for a second violation. Also removes offense from aggravated DUI. Makes corresponding changes to the Snowmobile Registration and Safety Act and the Boat Registration and Safety Act for OUI. Amends the Criminal Identification Act. Provides that policing bodies shall report arrests for the offense to the Department of State Police. Amends the Unified Code of Corrections. Provides that offenders may be charged laboratory fees and required to undergo a professional evaluation to determine the presence and extent of substance abuse problems.

LRB099 03824 RJF 23838 b

CORRECTIONAL  
BUDGET AND  
IMPACT NOTE ACT  
MAY APPLY

A BILL FOR

1 AN ACT concerning transportation.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 5. The Criminal Identification Act is amended by  
5 changing Section 5 as follows:

6 (20 ILCS 2630/5) (from Ch. 38, par. 206-5)

7 Sec. 5. Arrest reports. All policing bodies of this State  
8 shall furnish to the Department, daily, in the form and detail  
9 the Department requires, fingerprints, descriptions, and  
10 ethnic and racial background data as provided in Section 4.5 of  
11 this Act of all persons who are arrested on charges of  
12 violating any penal statute of this State for offenses that are  
13 classified as felonies and Class A or B misdemeanors and of all  
14 minors of the age of 10 and over who have been arrested for an  
15 offense which would be a felony if committed by an adult, and  
16 may forward such fingerprints and descriptions for minors  
17 arrested for Class A or B misdemeanors. Moving or nonmoving  
18 traffic violations under the Illinois Vehicle Code shall not be  
19 reported except for violations of Chapter 4, Section 11-204.1,  
20 ~~or~~ Section 11-501, or Section 11-508 of that Code. In addition,  
21 conservation offenses, as defined in the Supreme Court Rule  
22 501(c), that are classified as Class B misdemeanors shall not  
23 be reported. Those law enforcement records maintained by the

1 Department for minors arrested for an offense prior to their  
2 17th birthday, or minors arrested for a non-felony offense, if  
3 committed by an adult, prior to their 18th birthday, shall not  
4 be forwarded to the Federal Bureau of Investigation unless  
5 those records relate to an arrest in which a minor was charged  
6 as an adult under any of the transfer provisions of the  
7 Juvenile Court Act of 1987.

8 (Source: P.A. 98-528, eff. 1-1-15.)

9 Section 10. The Illinois Vehicle Code is amended by  
10 changing Sections 2-118.1, 6-206, 6-208.1, 11-500, 11-501,  
11 11-501.01, 11-501.2, 11-501.4, 11-501.4-1, and 11-501.6 and by  
12 adding Section 11-508 as follows:

13 (625 ILCS 5/2-118.1) (from Ch. 95 1/2, par. 2-118.1)

14 Sec. 2-118.1. Opportunity for hearing; statutory summary  
15 alcohol or other drug related suspension or revocation pursuant  
16 to Section 11-501.1.

17 (a) A statutory summary suspension or revocation of driving  
18 privileges under Section 11-501.1 shall not become effective  
19 until the person is notified in writing of the impending  
20 suspension or revocation and informed that he may request a  
21 hearing in the circuit court of venue under paragraph (b) of  
22 this Section and the statutory summary suspension or revocation  
23 shall become effective as provided in Section 11-501.1.

24 (b) Within 90 days after the notice of statutory summary

1 suspension or revocation served under Section 11-501.1, the  
2 person may make a written request for a judicial hearing in the  
3 circuit court of venue. The request to the circuit court shall  
4 state the grounds upon which the person seeks to have the  
5 statutory summary suspension or revocation rescinded. Within  
6 30 days after receipt of the written request or the first  
7 appearance date on the Uniform Traffic Ticket issued pursuant  
8 to a violation of Section 11-501, or a similar provision of a  
9 local ordinance, the hearing shall be conducted by the circuit  
10 court having jurisdiction. This judicial hearing, request, or  
11 process shall not stay or delay the statutory summary  
12 suspension or revocation. The hearings shall proceed in the  
13 court in the same manner as in other civil proceedings.

14 The hearing may be conducted upon a review of the law  
15 enforcement officer's own official reports; provided however,  
16 that the person may subpoena the officer. Failure of the  
17 officer to answer the subpoena shall be considered grounds for  
18 a continuance if in the court's discretion the continuance is  
19 appropriate.

20 The scope of the hearing shall be limited to the issues of:

- 21 1. Whether the person was placed under arrest for an  
22 offense as defined in Section 11-501, or a similar  
23 provision of a local ordinance, as evidenced by the  
24 issuance of a Uniform Traffic Ticket, or issued a Uniform  
25 Traffic Ticket out of state as provided in subsection (a)  
26 or (a-5) of Section 11-501.1; and

1           2. Whether the officer had reasonable grounds to  
2 believe that the person was driving or in actual physical  
3 control of a motor vehicle upon a highway while under the  
4 influence of alcohol, other drug, or combination of both;  
5 and

6           3. Whether the person, after being advised by the  
7 officer that the privilege to operate a motor vehicle would  
8 be suspended or revoked if the person refused to submit to  
9 and complete the test or tests, did refuse to submit to or  
10 complete the test or tests authorized under Section  
11 11-501.1; or

12           4. Whether the person, after being advised by the  
13 officer that the privilege to operate a motor vehicle would  
14 be suspended if the person submits to a chemical test, or  
15 tests, and the test discloses an alcohol concentration of  
16 0.08 or more, or any amount of a drug, substance, or  
17 compound in the person's blood or urine after exhibiting  
18 other indicia that the person is incapable of driving  
19 safely resulting from the unlawful use or consumption of  
20 cannabis listed in the Cannabis Control Act, a controlled  
21 substance listed in the Illinois Controlled Substances  
22 Act, an intoxicating compound as listed in the Use of  
23 Intoxicating Compounds Act, or methamphetamine as listed  
24 in the Methamphetamine Control and Community Protection  
25 Act, and the person did submit to and complete the test or  
26 tests that determined an alcohol concentration of 0.08 or

1 more.

2 4.2. If the person is a qualifying patient licensed  
3 under the Compassionate Use of Medical Cannabis Pilot  
4 Program Act who is in possession of a valid registry card  
5 issued under that Act, after being advised by the officer  
6 that the privilege to operate a motor vehicle would be  
7 suspended or revoked if the person refused to submit to and  
8 complete the test or tests, did refuse to submit to or  
9 complete the test or tests authorized under Section  
10 11-501.1.

11 4.5. If the person is a qualifying patient licensed  
12 under the Compassionate Use of Medical Cannabis Pilot  
13 Program Act who is in possession of a valid registry card  
14 issued under that Act, whether that person, after being  
15 advised by the officer that the privilege to operate a  
16 motor vehicle would be suspended if the person submits to a  
17 standardized field sobriety test, or tests, and the test  
18 indicates impairment resulting from the consumption of  
19 cannabis, did submit to and complete the test or tests that  
20 indicated impairment.

21 5. If the person's driving privileges were revoked,  
22 whether the person was involved in a motor vehicle accident  
23 that caused Type A injury or death to another.

24 Upon the conclusion of the judicial hearing, the circuit  
25 court shall sustain or rescind the statutory summary suspension  
26 or revocation and immediately notify the Secretary of State.

1 Reports received by the Secretary of State under this Section  
2 shall be privileged information and for use only by the courts,  
3 police officers, and Secretary of State.

4 (Source: P.A. 98-122, eff. 1-1-14.)

5 (625 ILCS 5/6-206)

6 Sec. 6-206. Discretionary authority to suspend or revoke  
7 license or permit; Right to a hearing.

8 (a) The Secretary of State is authorized to suspend or  
9 revoke the driving privileges of any person without preliminary  
10 hearing upon a showing of the person's records or other  
11 sufficient evidence that the person:

12 1. Has committed an offense for which mandatory  
13 revocation of a driver's license or permit is required upon  
14 conviction;

15 2. Has been convicted of not less than 3 offenses  
16 against traffic regulations governing the movement of  
17 vehicles committed within any 12 month period. No  
18 revocation or suspension shall be entered more than 6  
19 months after the date of last conviction;

20 3. Has been repeatedly involved as a driver in motor  
21 vehicle collisions or has been repeatedly convicted of  
22 offenses against laws and ordinances regulating the  
23 movement of traffic, to a degree that indicates lack of  
24 ability to exercise ordinary and reasonable care in the  
25 safe operation of a motor vehicle or disrespect for the

1 traffic laws and the safety of other persons upon the  
2 highway;

3 4. Has by the unlawful operation of a motor vehicle  
4 caused or contributed to an accident resulting in injury  
5 requiring immediate professional treatment in a medical  
6 facility or doctor's office to any person, except that any  
7 suspension or revocation imposed by the Secretary of State  
8 under the provisions of this subsection shall start no  
9 later than 6 months after being convicted of violating a  
10 law or ordinance regulating the movement of traffic, which  
11 violation is related to the accident, or shall start not  
12 more than one year after the date of the accident,  
13 whichever date occurs later;

14 5. Has permitted an unlawful or fraudulent use of a  
15 driver's license, identification card, or permit;

16 6. Has been lawfully convicted of an offense or  
17 offenses in another state, including the authorization  
18 contained in Section 6-203.1, which if committed within  
19 this State would be grounds for suspension or revocation;

20 7. Has refused or failed to submit to an examination  
21 provided for by Section 6-207 or has failed to pass the  
22 examination;

23 8. Is ineligible for a driver's license or permit under  
24 the provisions of Section 6-103;

25 9. Has made a false statement or knowingly concealed a  
26 material fact or has used false information or

1 identification in any application for a license,  
2 identification card, or permit;

3 10. Has possessed, displayed, or attempted to  
4 fraudulently use any license, identification card, or  
5 permit not issued to the person;

6 11. Has operated a motor vehicle upon a highway of this  
7 State when the person's driving privilege or privilege to  
8 obtain a driver's license or permit was revoked or  
9 suspended unless the operation was authorized by a  
10 monitoring device driving permit, judicial driving permit  
11 issued prior to January 1, 2009, probationary license to  
12 drive, or a restricted driving permit issued under this  
13 Code;

14 12. Has submitted to any portion of the application  
15 process for another person or has obtained the services of  
16 another person to submit to any portion of the application  
17 process for the purpose of obtaining a license,  
18 identification card, or permit for some other person;

19 13. Has operated a motor vehicle upon a highway of this  
20 State when the person's driver's license or permit was  
21 invalid under the provisions of Sections 6-107.1 and 6-110;

22 14. Has committed a violation of Section 6-301,  
23 6-301.1, or 6-301.2 of this Act, or Section 14, 14A, or 14B  
24 of the Illinois Identification Card Act;

25 15. Has been convicted of violating Section 21-2 of the  
26 Criminal Code of 1961 or the Criminal Code of 2012 relating

1 to criminal trespass to vehicles in which case, the  
2 suspension shall be for one year;

3 16. Has been convicted of violating Section 11-204 of  
4 this Code relating to fleeing from a peace officer;

5 17. Has refused to submit to a test, or tests, as  
6 required under Section 11-501.1 of this Code and the person  
7 has not sought a hearing as provided for in Section  
8 11-501.1;

9 18. Has, since issuance of a driver's license or  
10 permit, been adjudged to be afflicted with or suffering  
11 from any mental disability or disease;

12 19. Has committed a violation of paragraph (a) or (b)  
13 of Section 6-101 relating to driving without a driver's  
14 license;

15 20. Has been convicted of violating Section 6-104  
16 relating to classification of driver's license;

17 21. Has been convicted of violating Section 11-402 of  
18 this Code relating to leaving the scene of an accident  
19 resulting in damage to a vehicle in excess of \$1,000, in  
20 which case the suspension shall be for one year;

21 22. Has used a motor vehicle in violating paragraph  
22 (3), (4), (7), or (9) of subsection (a) of Section 24-1 of  
23 the Criminal Code of 1961 or the Criminal Code of 2012  
24 relating to unlawful use of weapons, in which case the  
25 suspension shall be for one year;

26 23. Has, as a driver, been convicted of committing a

1 violation of paragraph (a) of Section 11-502 of this Code  
2 for a second or subsequent time within one year of a  
3 similar violation;

4 24. Has been convicted by a court-martial or punished  
5 by non-judicial punishment by military authorities of the  
6 United States at a military installation in Illinois or in  
7 another state of or for a traffic related offense that is  
8 the same as or similar to an offense specified under  
9 Section 6-205 or 6-206 of this Code;

10 25. Has permitted any form of identification to be used  
11 by another in the application process in order to obtain or  
12 attempt to obtain a license, identification card, or  
13 permit;

14 26. Has altered or attempted to alter a license or has  
15 possessed an altered license, identification card, or  
16 permit;

17 27. Has violated Section 6-16 of the Liquor Control Act  
18 of 1934;

19 28. Has been convicted for a first time of the illegal  
20 possession, while operating or in actual physical control,  
21 as a driver, of a motor vehicle, of any controlled  
22 substance prohibited under the Illinois Controlled  
23 Substances Act, any cannabis prohibited under the Cannabis  
24 Control Act, or any methamphetamine prohibited under the  
25 Methamphetamine Control and Community Protection Act, in  
26 which case the person's driving privileges shall be

1           suspended for one year. Any defendant found guilty of this  
2           offense while operating a motor vehicle, shall have an  
3           entry made in the court record by the presiding judge that  
4           this offense did occur while the defendant was operating a  
5           motor vehicle and order the clerk of the court to report  
6           the violation to the Secretary of State;

7           29. Has been convicted of the following offenses that  
8           were committed while the person was operating or in actual  
9           physical control, as a driver, of a motor vehicle: criminal  
10          sexual assault, predatory criminal sexual assault of a  
11          child, aggravated criminal sexual assault, criminal sexual  
12          abuse, aggravated criminal sexual abuse, juvenile pimping,  
13          soliciting for a juvenile prostitute, promoting juvenile  
14          prostitution as described in subdivision (a) (1), (a) (2),  
15          or (a) (3) of Section 11-14.4 of the Criminal Code of 1961  
16          or the Criminal Code of 2012, and the manufacture, sale or  
17          delivery of controlled substances or instruments used for  
18          illegal drug use or abuse in which case the driver's  
19          driving privileges shall be suspended for one year;

20          30. Has been convicted a second or subsequent time for  
21          any combination of the offenses named in paragraph 29 of  
22          this subsection, in which case the person's driving  
23          privileges shall be suspended for 5 years;

24          31. Has refused to submit to a test as required by  
25          Section 11-501.6 of this Code or Section 5-16c of the Boat  
26          Registration and Safety Act or has submitted to a test

1 resulting in an alcohol concentration of 0.08 or more or  
2 any amount of a drug, substance, or compound after  
3 exhibiting other indicia that the person is incapable of  
4 driving or operating a motorboat safely resulting from the  
5 unlawful use or consumption of cannabis as listed in the  
6 Cannabis Control Act, a controlled substance as listed in  
7 the Illinois Controlled Substances Act, an intoxicating  
8 compound as listed in the Use of Intoxicating Compounds  
9 Act, or methamphetamine as listed in the Methamphetamine  
10 Control and Community Protection Act, in which case the  
11 penalty shall be as prescribed in Section 6-208.1;

12 32. Has been convicted of Section 24-1.2 of the  
13 Criminal Code of 1961 or the Criminal Code of 2012 relating  
14 to the aggravated discharge of a firearm if the offender  
15 was located in a motor vehicle at the time the firearm was  
16 discharged, in which case the suspension shall be for 3  
17 years;

18 33. Has as a driver, who was less than 21 years of age  
19 on the date of the offense, been convicted a first time of  
20 a violation of paragraph (a) of Section 11-502 of this Code  
21 or a similar provision of a local ordinance;

22 34. Has committed a violation of Section 11-1301.5 of  
23 this Code or a similar provision of a local ordinance;

24 35. Has committed a violation of Section 11-1301.6 of  
25 this Code or a similar provision of a local ordinance;

26 36. Is under the age of 21 years at the time of arrest

1 and has been convicted of not less than 2 offenses against  
2 traffic regulations governing the movement of vehicles  
3 committed within any 24 month period. No revocation or  
4 suspension shall be entered more than 6 months after the  
5 date of last conviction;

6 37. Has committed a violation of subsection (c) of  
7 Section 11-907 of this Code that resulted in damage to the  
8 property of another or the death or injury of another;

9 38. Has been convicted of a violation of Section 6-20  
10 of the Liquor Control Act of 1934 or a similar provision of  
11 a local ordinance;

12 39. Has committed a second or subsequent violation of  
13 Section 11-1201 of this Code;

14 40. Has committed a violation of subsection (a-1) of  
15 Section 11-908 of this Code;

16 41. Has committed a second or subsequent violation of  
17 Section 11-605.1 of this Code, a similar provision of a  
18 local ordinance, or a similar violation in any other state  
19 within 2 years of the date of the previous violation, in  
20 which case the suspension shall be for 90 days;

21 42. Has committed a violation of subsection (a-1) of  
22 Section 11-1301.3 of this Code or a similar provision of a  
23 local ordinance;

24 43. Has received a disposition of court supervision for  
25 a violation of subsection (a), (d), or (e) of Section 6-20  
26 of the Liquor Control Act of 1934 or a similar provision of

1 a local ordinance, in which case the suspension shall be  
2 for a period of 3 months;

3 44. Is under the age of 21 years at the time of arrest  
4 and has been convicted of an offense against traffic  
5 regulations governing the movement of vehicles after  
6 having previously had his or her driving privileges  
7 suspended or revoked pursuant to subparagraph 36 of this  
8 Section;

9 45. Has, in connection with or during the course of a  
10 formal hearing conducted under Section 2-118 of this Code:  
11 (i) committed perjury; (ii) submitted fraudulent or  
12 falsified documents; (iii) submitted documents that have  
13 been materially altered; or (iv) submitted, as his or her  
14 own, documents that were in fact prepared or composed for  
15 another person;

16 46. Has committed a violation of subsection (j) of  
17 Section 3-413 of this Code; or

18 47. Has committed a violation of Section 11-502.1 of  
19 this Code.

20 For purposes of paragraphs 5, 9, 10, 12, 14, 19, 25, 26,  
21 and 27 of this subsection, license means any driver's license,  
22 any traffic ticket issued when the person's driver's license is  
23 deposited in lieu of bail, a suspension notice issued by the  
24 Secretary of State, a duplicate or corrected driver's license,  
25 a probationary driver's license or a temporary driver's  
26 license.

1 (b) If any conviction forming the basis of a suspension or  
2 revocation authorized under this Section is appealed, the  
3 Secretary of State may rescind or withhold the entry of the  
4 order of suspension or revocation, as the case may be, provided  
5 that a certified copy of a stay order of a court is filed with  
6 the Secretary of State. If the conviction is affirmed on  
7 appeal, the date of the conviction shall relate back to the  
8 time the original judgment of conviction was entered and the 6  
9 month limitation prescribed shall not apply.

10 (c) 1. Upon suspending or revoking the driver's license or  
11 permit of any person as authorized in this Section, the  
12 Secretary of State shall immediately notify the person in  
13 writing of the revocation or suspension. The notice to be  
14 deposited in the United States mail, postage prepaid, to the  
15 last known address of the person.

16 2. If the Secretary of State suspends the driver's license  
17 of a person under subsection 2 of paragraph (a) of this  
18 Section, a person's privilege to operate a vehicle as an  
19 occupation shall not be suspended, provided an affidavit is  
20 properly completed, the appropriate fee received, and a permit  
21 issued prior to the effective date of the suspension, unless 5  
22 offenses were committed, at least 2 of which occurred while  
23 operating a commercial vehicle in connection with the driver's  
24 regular occupation. All other driving privileges shall be  
25 suspended by the Secretary of State. Any driver prior to  
26 operating a vehicle for occupational purposes only must submit

1 the affidavit on forms to be provided by the Secretary of State  
2 setting forth the facts of the person's occupation. The  
3 affidavit shall also state the number of offenses committed  
4 while operating a vehicle in connection with the driver's  
5 regular occupation. The affidavit shall be accompanied by the  
6 driver's license. Upon receipt of a properly completed  
7 affidavit, the Secretary of State shall issue the driver a  
8 permit to operate a vehicle in connection with the driver's  
9 regular occupation only. Unless the permit is issued by the  
10 Secretary of State prior to the date of suspension, the  
11 privilege to drive any motor vehicle shall be suspended as set  
12 forth in the notice that was mailed under this Section. If an  
13 affidavit is received subsequent to the effective date of this  
14 suspension, a permit may be issued for the remainder of the  
15 suspension period.

16 The provisions of this subparagraph shall not apply to any  
17 driver required to possess a CDL for the purpose of operating a  
18 commercial motor vehicle.

19 Any person who falsely states any fact in the affidavit  
20 required herein shall be guilty of perjury under Section 6-302  
21 and upon conviction thereof shall have all driving privileges  
22 revoked without further rights.

23 3. At the conclusion of a hearing under Section 2-118 of  
24 this Code, the Secretary of State shall either rescind or  
25 continue an order of revocation or shall substitute an order of  
26 suspension; or, good cause appearing therefor, rescind,

1 continue, change, or extend the order of suspension. If the  
2 Secretary of State does not rescind the order, the Secretary  
3 may upon application, to relieve undue hardship (as defined by  
4 the rules of the Secretary of State), issue a restricted  
5 driving permit granting the privilege of driving a motor  
6 vehicle between the petitioner's residence and petitioner's  
7 place of employment or within the scope of the petitioner's  
8 employment related duties, or to allow the petitioner to  
9 transport himself or herself, or a family member of the  
10 petitioner's household to a medical facility, to receive  
11 necessary medical care, to allow the petitioner to transport  
12 himself or herself to and from alcohol or drug remedial or  
13 rehabilitative activity recommended by a licensed service  
14 provider, or to allow the petitioner to transport himself or  
15 herself or a family member of the petitioner's household to  
16 classes, as a student, at an accredited educational  
17 institution, or to allow the petitioner to transport children,  
18 elderly persons, or disabled persons who do not hold driving  
19 privileges and are living in the petitioner's household to and  
20 from daycare. The petitioner must demonstrate that no  
21 alternative means of transportation is reasonably available  
22 and that the petitioner will not endanger the public safety or  
23 welfare. Those multiple offenders identified in subdivision  
24 (b)4 of Section 6-208 of this Code, however, shall not be  
25 eligible for the issuance of a restricted driving permit.

26 (A) If a person's license or permit is revoked or

1           suspended due to 2 or more convictions of violating Section  
2           11-501 of this Code or a similar provision of a local  
3           ordinance or a similar out-of-state offense, or Section 9-3  
4           of the Criminal Code of 1961 or the Criminal Code of 2012,  
5           where the use of alcohol or other drugs is recited as an  
6           element of the offense, or a similar out-of-state offense,  
7           or a combination of these offenses, arising out of separate  
8           occurrences, that person, if issued a restricted driving  
9           permit, may not operate a vehicle unless it has been  
10          equipped with an ignition interlock device as defined in  
11          Section 1-129.1.

12           (B) If a person's license or permit is revoked or  
13          suspended 2 or more times within a 10 year period due to  
14          any combination of:

15                   (i) a single conviction of violating Section  
16                   11-501 of this Code or a similar provision of a local  
17                   ordinance or a similar out-of-state offense or Section  
18                   9-3 of the Criminal Code of 1961 or the Criminal Code  
19                   of 2012, where the use of alcohol or other drugs is  
20                   recited as an element of the offense, or a similar  
21                   out-of-state offense; or

22                   (ii) a statutory summary suspension or revocation  
23                   under Section 11-501.1; or

24                   (iii) a suspension under Section 6-203.1;

25          arising out of separate occurrences; that person, if issued  
26          a restricted driving permit, may not operate a vehicle

1 unless it has been equipped with an ignition interlock  
2 device as defined in Section 1-129.1.

3 (C) The person issued a permit conditioned upon the use  
4 of an ignition interlock device must pay to the Secretary  
5 of State DUI Administration Fund an amount not to exceed  
6 \$30 per month. The Secretary shall establish by rule the  
7 amount and the procedures, terms, and conditions relating  
8 to these fees.

9 (D) If the restricted driving permit is issued for  
10 employment purposes, then the prohibition against  
11 operating a motor vehicle that is not equipped with an  
12 ignition interlock device does not apply to the operation  
13 of an occupational vehicle owned or leased by that person's  
14 employer when used solely for employment purposes.

15 (E) In each case the Secretary may issue a restricted  
16 driving permit for a period deemed appropriate, except that  
17 all permits shall expire within one year from the date of  
18 issuance. The Secretary may not, however, issue a  
19 restricted driving permit to any person whose current  
20 revocation is the result of a second or subsequent  
21 conviction for a violation of Section 11-501 of this Code  
22 or a similar provision of a local ordinance or any similar  
23 out-of-state offense, or Section 9-3 of the Criminal Code  
24 of 1961 or the Criminal Code of 2012, where the use of  
25 alcohol or other drugs is recited as an element of the  
26 offense, or any similar out-of-state offense, or any

1 combination of those offenses, until the expiration of at  
2 least one year from the date of the revocation. A  
3 restricted driving permit issued under this Section shall  
4 be subject to cancellation, revocation, and suspension by  
5 the Secretary of State in like manner and for like cause as  
6 a driver's license issued under this Code may be cancelled,  
7 revoked, or suspended; except that a conviction upon one or  
8 more offenses against laws or ordinances regulating the  
9 movement of traffic shall be deemed sufficient cause for  
10 the revocation, suspension, or cancellation of a  
11 restricted driving permit. The Secretary of State may, as a  
12 condition to the issuance of a restricted driving permit,  
13 require the applicant to participate in a designated driver  
14 remedial or rehabilitative program. The Secretary of State  
15 is authorized to cancel a restricted driving permit if the  
16 permit holder does not successfully complete the program.

17 (c-3) In the case of a suspension under paragraph 43 of  
18 subsection (a), reports received by the Secretary of State  
19 under this Section shall, except during the actual time the  
20 suspension is in effect, be privileged information and for use  
21 only by the courts, police officers, prosecuting authorities,  
22 the driver licensing administrator of any other state, the  
23 Secretary of State, or the parent or legal guardian of a driver  
24 under the age of 18. However, beginning January 1, 2008, if the  
25 person is a CDL holder, the suspension shall also be made  
26 available to the driver licensing administrator of any other

1 state, the U.S. Department of Transportation, and the affected  
2 driver or motor carrier or prospective motor carrier upon  
3 request.

4 (c-4) In the case of a suspension under paragraph 43 of  
5 subsection (a), the Secretary of State shall notify the person  
6 by mail that his or her driving privileges and driver's license  
7 will be suspended one month after the date of the mailing of  
8 the notice.

9 (c-5) The Secretary of State may, as a condition of the  
10 reissuance of a driver's license or permit to an applicant  
11 whose driver's license or permit has been suspended before he  
12 or she reached the age of 21 years pursuant to any of the  
13 provisions of this Section, require the applicant to  
14 participate in a driver remedial education course and be  
15 retested under Section 6-109 of this Code.

16 (d) This Section is subject to the provisions of the  
17 Drivers License Compact.

18 (e) The Secretary of State shall not issue a restricted  
19 driving permit to a person under the age of 16 years whose  
20 driving privileges have been suspended or revoked under any  
21 provisions of this Code.

22 (f) In accordance with 49 C.F.R. 384, the Secretary of  
23 State may not issue a restricted driving permit for the  
24 operation of a commercial motor vehicle to a person holding a  
25 CDL whose driving privileges have been suspended, revoked,  
26 cancelled, or disqualified under any provisions of this Code.

1 (Source: P.A. 97-229, eff. 7-28-11; 97-333, eff. 8-12-11;  
2 97-743, eff. 1-1-13; 97-838, eff. 1-1-13; 97-844, eff. 1-1-13;  
3 97-1109, eff. 1-1-13; 97-1150, eff. 1-25-13; 98-103, eff.  
4 1-1-14; 98-122, eff. 1-1-14; 98-726, eff. 1-1-15; 98-756, eff.  
5 7-16-14.)

6 (625 ILCS 5/6-208.1) (from Ch. 95 1/2, par. 6-208.1)

7 Sec. 6-208.1. Period of statutory summary alcohol, other  
8 drug, or intoxicating compound related suspension or  
9 revocation.

10 (a) Unless the statutory summary suspension has been  
11 rescinded, any person whose privilege to drive a motor vehicle  
12 on the public highways has been summarily suspended, pursuant  
13 to Section 11-501.1, shall not be eligible for restoration of  
14 the privilege until the expiration of:

15 1. twelve months from the effective date of the  
16 statutory summary suspension for a refusal or failure to  
17 complete a test or tests authorized under Section 11-501.1,  
18 if the person was not involved in a motor vehicle accident  
19 that caused personal injury or death to another; or

20 2. six months from the effective date of the statutory  
21 summary suspension imposed following the person's  
22 submission to a chemical test which disclosed an alcohol  
23 concentration of 0.08 or more, or any amount of a drug,  
24 substance, or intoxicating compound in such person's  
25 breath, blood, or urine after exhibiting other indicia that

1       the person is incapable of driving safely resulting from  
2       the unlawful use or consumption of cannabis listed in the  
3       Cannabis Control Act, a controlled substance listed in the  
4       Illinois Controlled Substances Act, an intoxicating  
5       compound listed in the Use of Intoxicating Compounds Act,  
6       or methamphetamine as listed in the Methamphetamine  
7       Control and Community Protection Act, pursuant to Section  
8       11-501.1; or

9             3. three years from the effective date of the statutory  
10       summary suspension for any person other than a first  
11       offender who refuses or fails to complete a test or tests  
12       to determine the alcohol, drug, or intoxicating compound  
13       concentration pursuant to Section 11-501.1; or

14            4. one year from the effective date of the summary  
15       suspension imposed for any person other than a first  
16       offender following submission to a chemical test which  
17       disclosed an alcohol concentration of 0.08 or more pursuant  
18       to Section 11-501.1 or any amount of a drug, substance or  
19       compound in such person's blood or urine after exhibiting  
20       other indicia that the person is incapable of driving  
21       safely resulting from the unlawful use or consumption of  
22       cannabis listed in the Cannabis Control Act, a controlled  
23       substance listed in the Illinois Controlled Substances  
24       Act, an intoxicating compound listed in the Use of  
25       Intoxicating Compounds Act, or methamphetamine as listed  
26       in the Methamphetamine Control and Community Protection

1 Act; or

2 5. six months from the effective date of the statutory  
3 summary suspension imposed for any person following  
4 submission to a standardized field sobriety test that  
5 disclosed impairment if the person is a qualifying patient  
6 licensed under the Compassionate Use of Medical Cannabis  
7 Pilot Program Act who is in possession of a valid registry  
8 card issued under that Act and submitted to testing under  
9 subsection (a-5) of Section 11-501.1.

10 (b) Following a statutory summary suspension of the  
11 privilege to drive a motor vehicle under Section 11-501.1,  
12 driving privileges shall be restored unless the person is  
13 otherwise suspended, revoked, or cancelled by this Code. If the  
14 court has reason to believe that the person's driving privilege  
15 should not be restored, the court shall notify the Secretary of  
16 State prior to the expiration of the statutory summary  
17 suspension so appropriate action may be taken pursuant to this  
18 Code.

19 (c) Driving privileges may not be restored until all  
20 applicable reinstatement fees, as provided by this Code, have  
21 been paid to the Secretary of State and the appropriate entry  
22 made to the driver's record.

23 (d) Where a driving privilege has been summarily suspended  
24 or revoked under Section 11-501.1 and the person is  
25 subsequently convicted of violating Section 11-501, or a  
26 similar provision of a local ordinance, for the same incident,

1 any period served on statutory summary suspension or revocation  
2 shall be credited toward the minimum period of revocation of  
3 driving privileges imposed pursuant to Section 6-205.

4 (e) A first offender who refused chemical testing and whose  
5 driving privileges were summarily revoked pursuant to Section  
6 11-501.1 shall not be eligible for a monitoring device driving  
7 permit, but may make application for reinstatement or for a  
8 restricted driving permit after a period of one year has  
9 elapsed from the effective date of the revocation.

10 (f) (Blank).

11 (g) Following a statutory summary suspension of driving  
12 privileges pursuant to Section 11-501.1 where the person was  
13 not a first offender, as defined in Section 11-500, the  
14 Secretary of State may not issue a restricted driving permit.

15 (h) (Blank).

16 (Source: P.A. 97-229, eff. 7-28-11; 98-122, eff. 1-1-14;  
17 98-1015, eff. 8-22-14.)

18 (625 ILCS 5/11-500) (from Ch. 95 1/2, par. 11-500)

19 Sec. 11-500. Definitions. For the purposes of interpreting  
20 Sections 6-206.1 and 6-208.1 of this Code, "first offender"  
21 shall mean any person who has not had a previous conviction or  
22 court assigned supervision for violating Section 11-501, or a  
23 similar provision of a local ordinance, or a conviction in any  
24 other state for a violation of driving while under the  
25 influence or a similar offense where the cause of action is the

1 same or substantially similar to this Code or similar offenses  
2 committed on a military installation, or any person who has not  
3 had a driver's license suspension pursuant to paragraph 6 of  
4 subsection (a) of Section 6-206 as the result of refusal of  
5 chemical testing in another state, or any person who has not  
6 had a driver's license suspension or revocation for violating  
7 Section 11-501.1 within 5 years prior to the date of the  
8 current offense, except in cases where the driver submitted to  
9 chemical testing resulting in an alcohol concentration of 0.08  
10 or more, or any amount of a drug, substance, or compound in  
11 such person's blood or urine after exhibiting other indicia  
12 that the person is incapable of driving safely resulting from  
13 the unlawful use or consumption of cannabis listed in the  
14 Cannabis Control Act, a controlled substance listed in the  
15 Illinois Controlled Substances Act, or an intoxicating  
16 compound listed in the Use of Intoxicating Compounds Act, or  
17 methamphetamine as listed in the Methamphetamine Control and  
18 Community Protection Act and was subsequently found not guilty  
19 of violating Section 11-501, or a similar provision of a local  
20 ordinance.

21 (Source: P.A. 95-355, eff. 1-1-08; 96-607, eff. 8-24-09;  
22 96-1344, eff. 7-1-11.)

23 (625 ILCS 5/11-501) (from Ch. 95 1/2, par. 11-501)

24 Sec. 11-501. Driving while under the influence of alcohol,  
25 other drug or drugs, intoxicating compound or compounds or any

1 combination thereof.

2 (a) A person shall not drive or be in actual physical  
3 control of any vehicle within this State while:

4 (1) the alcohol concentration in the person's blood or  
5 breath is 0.08 or more based on the definition of blood and  
6 breath units in Section 11-501.2;

7 (2) under the influence of alcohol;

8 (3) under the influence of any intoxicating compound or  
9 combination of intoxicating compounds to a degree that  
10 renders the person incapable of driving safely;

11 (4) under the influence of any other drug or  
12 combination of drugs to a degree that renders the person  
13 incapable of safely driving; or

14 (5) under the combined influence of alcohol, other drug  
15 or drugs, or intoxicating compound or compounds to a degree  
16 that renders the person incapable of safely driving. ~~or~~

17 (6) (blank). ~~there is any amount of a drug, substance,~~  
18 ~~or compound in the person's breath, blood, or urine~~  
19 ~~resulting from the unlawful use or consumption of cannabis~~  
20 ~~listed in the Cannabis Control Act, a controlled substance~~  
21 ~~listed in the Illinois Controlled Substances Act, an~~  
22 ~~intoxicating compound listed in the Use of Intoxicating~~  
23 ~~Compounds Act, or methamphetamine as listed in the~~  
24 ~~Methamphetamine Control and Community Protection Act.~~  
25 ~~Subject to all other requirements and provisions under this~~  
26 ~~Section, this paragraph (6) does not apply to the lawful~~

1 ~~consumption of cannabis by a qualifying patient licensed~~  
2 ~~under the Compassionate Use of Medical Cannabis Pilot~~  
3 ~~Program Act who is in possession of a valid registry card~~  
4 ~~issued under that Act, unless that person is impaired by~~  
5 ~~the use of cannabis.~~

6 (b) The fact that any person charged with violating this  
7 Section is or has been legally entitled to use alcohol,  
8 cannabis under the Compassionate Use of Medical Cannabis Pilot  
9 Program Act, other drug or drugs, or intoxicating compound or  
10 compounds, or any combination thereof, shall not constitute a  
11 defense against any charge of violating this Section.

12 (c) Penalties.

13 (1) Except as otherwise provided in this Section, any  
14 person convicted of violating subsection (a) of this  
15 Section is guilty of a Class A misdemeanor.

16 (2) A person who violates subsection (a) or a similar  
17 provision a second time shall be sentenced to a mandatory  
18 minimum term of either 5 days of imprisonment or 240 hours  
19 of community service in addition to any other criminal or  
20 administrative sanction.

21 (3) A person who violates subsection (a) is subject to  
22 6 months of imprisonment, an additional mandatory minimum  
23 fine of \$1,000, and 25 days of community service in a  
24 program benefiting children if the person was transporting  
25 a person under the age of 16 at the time of the violation.

26 (4) A person who violates subsection (a) a first time,

1 if the alcohol concentration in his or her blood, breath,  
2 or urine was 0.16 or more based on the definition of blood,  
3 breath, or urine units in Section 11-501.2, shall be  
4 subject, in addition to any other penalty that may be  
5 imposed, to a mandatory minimum of 100 hours of community  
6 service and a mandatory minimum fine of \$500.

7 (5) A person who violates subsection (a) a second time,  
8 if at the time of the second violation the alcohol  
9 concentration in his or her blood, breath, or urine was  
10 0.16 or more based on the definition of blood, breath, or  
11 urine units in Section 11-501.2, shall be subject, in  
12 addition to any other penalty that may be imposed, to a  
13 mandatory minimum of 2 days of imprisonment and a mandatory  
14 minimum fine of \$1,250.

15 (d) Aggravated driving under the influence of alcohol,  
16 other drug or drugs, or intoxicating compound or compounds, or  
17 any combination thereof.

18 (1) Every person convicted of committing a violation of  
19 this Section shall be guilty of aggravated driving under  
20 the influence of alcohol, other drug or drugs, or  
21 intoxicating compound or compounds, or any combination  
22 thereof if:

23 (A) the person committed a violation of subsection  
24 (a) or a similar provision for the third or subsequent  
25 time;

26 (B) the person committed a violation of subsection

1 (a) while driving a school bus with one or more  
2 passengers on board;

3 (C) the person in committing a violation of  
4 subsection (a) was involved in a motor vehicle accident  
5 that resulted in great bodily harm or permanent  
6 disability or disfigurement to another, when the  
7 violation was a proximate cause of the injuries;

8 (D) the person committed a violation of subsection  
9 (a) and has been previously convicted of violating  
10 Section 9-3 of the Criminal Code of 1961 or the  
11 Criminal Code of 2012 or a similar provision of a law  
12 of another state relating to reckless homicide in which  
13 the person was determined to have been under the  
14 influence of alcohol, other drug or drugs, or  
15 intoxicating compound or compounds as an element of the  
16 offense or the person has previously been convicted  
17 under subparagraph (C) or subparagraph (F) of this  
18 paragraph (1);

19 (E) the person, in committing a violation of  
20 subsection (a) while driving at any speed in a school  
21 speed zone at a time when a speed limit of 20 miles per  
22 hour was in effect under subsection (a) of Section  
23 11-605 of this Code, was involved in a motor vehicle  
24 accident that resulted in bodily harm, other than great  
25 bodily harm or permanent disability or disfigurement,  
26 to another person, when the violation of subsection (a)

1 was a proximate cause of the bodily harm;

2 (F) the person, in committing a violation of  
3 subsection (a), was involved in a motor vehicle,  
4 snowmobile, all-terrain vehicle, or watercraft  
5 accident that resulted in the death of another person,  
6 when the violation of subsection (a) was a proximate  
7 cause of the death;

8 (G) the person committed a violation of subsection  
9 (a) during a period in which the defendant's driving  
10 privileges are revoked or suspended, where the  
11 revocation or suspension was for a violation of  
12 subsection (a) or a similar provision, Section  
13 11-501.1, paragraph (b) of Section 11-401, or for  
14 reckless homicide as defined in Section 9-3 of the  
15 Criminal Code of 1961 or the Criminal Code of 2012;

16 (H) the person committed the violation while he or  
17 she did not possess a driver's license or permit or a  
18 restricted driving permit or a judicial driving permit  
19 or a monitoring device driving permit;

20 (I) the person committed the violation while he or  
21 she knew or should have known that the vehicle he or  
22 she was driving was not covered by a liability  
23 insurance policy;

24 (J) the person in committing a violation of  
25 subsection (a) was involved in a motor vehicle accident  
26 that resulted in bodily harm, but not great bodily

1           harm, to the child under the age of 16 being  
2           transported by the person, if the violation was the  
3           proximate cause of the injury;

4                   (K) the person in committing a second violation of  
5           subsection (a) or a similar provision was transporting  
6           a person under the age of 16; or

7                   (L) the person committed a violation of subsection  
8           (a) of this Section while transporting one or more  
9           passengers in a vehicle for-hire.

10           (2) (A) Except as provided otherwise, a person  
11           convicted of aggravated driving under the influence of  
12           alcohol, other drug or drugs, or intoxicating compound or  
13           compounds, or any combination thereof is guilty of a Class  
14           4 felony.

15                   (B) A third violation of this Section or a similar  
16           provision is a Class 2 felony. If at the time of the third  
17           violation the alcohol concentration in his or her blood,  
18           breath, or urine was 0.16 or more based on the definition  
19           of blood, breath, or urine units in Section 11-501.2, a  
20           mandatory minimum of 90 days of imprisonment and a  
21           mandatory minimum fine of \$2,500 shall be imposed in  
22           addition to any other criminal or administrative sanction.  
23           If at the time of the third violation, the defendant was  
24           transporting a person under the age of 16, a mandatory fine  
25           of \$25,000 and 25 days of community service in a program  
26           benefiting children shall be imposed in addition to any

1 other criminal or administrative sanction.

2 (C) A fourth violation of this Section or a similar  
3 provision is a Class 2 felony, for which a sentence of  
4 probation or conditional discharge may not be imposed. If  
5 at the time of the violation, the alcohol concentration in  
6 the defendant's blood, breath, or urine was 0.16 or more  
7 based on the definition of blood, breath, or urine units in  
8 Section 11-501.2, a mandatory minimum fine of \$5,000 shall  
9 be imposed in addition to any other criminal or  
10 administrative sanction. If at the time of the fourth  
11 violation, the defendant was transporting a person under  
12 the age of 16 a mandatory fine of \$25,000 and 25 days of  
13 community service in a program benefiting children shall be  
14 imposed in addition to any other criminal or administrative  
15 sanction.

16 (D) A fifth violation of this Section or a similar  
17 provision is a Class 1 felony, for which a sentence of  
18 probation or conditional discharge may not be imposed. If  
19 at the time of the violation, the alcohol concentration in  
20 the defendant's blood, breath, or urine was 0.16 or more  
21 based on the definition of blood, breath, or urine units in  
22 Section 11-501.2, a mandatory minimum fine of \$5,000 shall  
23 be imposed in addition to any other criminal or  
24 administrative sanction. If at the time of the fifth  
25 violation, the defendant was transporting a person under  
26 the age of 16, a mandatory fine of \$25,000, and 25 days of

1 community service in a program benefiting children shall be  
2 imposed in addition to any other criminal or administrative  
3 sanction.

4 (E) A sixth or subsequent violation of this Section or  
5 similar provision is a Class X felony. If at the time of  
6 the violation, the alcohol concentration in the  
7 defendant's blood, breath, or urine was 0.16 or more based  
8 on the definition of blood, breath, or urine units in  
9 Section 11-501.2, a mandatory minimum fine of \$5,000 shall  
10 be imposed in addition to any other criminal or  
11 administrative sanction. If at the time of the violation,  
12 the defendant was transporting a person under the age of  
13 16, a mandatory fine of \$25,000 and 25 days of community  
14 service in a program benefiting children shall be imposed  
15 in addition to any other criminal or administrative  
16 sanction.

17 (F) For a violation of subparagraph (C) of paragraph  
18 (1) of this subsection (d), the defendant, if sentenced to  
19 a term of imprisonment, shall be sentenced to not less than  
20 one year nor more than 12 years.

21 (G) A violation of subparagraph (F) of paragraph (1) of  
22 this subsection (d) is a Class 2 felony, for which the  
23 defendant, unless the court determines that extraordinary  
24 circumstances exist and require probation, shall be  
25 sentenced to: (i) a term of imprisonment of not less than 3  
26 years and not more than 14 years if the violation resulted

1 in the death of one person; or (ii) a term of imprisonment  
2 of not less than 6 years and not more than 28 years if the  
3 violation resulted in the deaths of 2 or more persons.

4 (H) For a violation of subparagraph (J) of paragraph  
5 (1) of this subsection (d), a mandatory fine of \$2,500, and  
6 25 days of community service in a program benefiting  
7 children shall be imposed in addition to any other criminal  
8 or administrative sanction.

9 (I) A violation of subparagraph (K) of paragraph (1) of  
10 this subsection (d), is a Class 2 felony and a mandatory  
11 fine of \$2,500, and 25 days of community service in a  
12 program benefiting children shall be imposed in addition to  
13 any other criminal or administrative sanction. If the child  
14 being transported suffered bodily harm, but not great  
15 bodily harm, in a motor vehicle accident, and the violation  
16 was the proximate cause of that injury, a mandatory fine of  
17 \$5,000 and 25 days of community service in a program  
18 benefiting children shall be imposed in addition to any  
19 other criminal or administrative sanction.

20 (J) A violation of subparagraph (D) of paragraph (1) of  
21 this subsection (d) is a Class 3 felony, for which a  
22 sentence of probation or conditional discharge may not be  
23 imposed.

24 (3) Any person sentenced under this subsection (d) who  
25 receives a term of probation or conditional discharge must  
26 serve a minimum term of either 480 hours of community

1 service or 10 days of imprisonment as a condition of the  
2 probation or conditional discharge in addition to any other  
3 criminal or administrative sanction.

4 (e) Any reference to a prior violation of subsection (a) or  
5 a similar provision includes any violation of a provision of a  
6 local ordinance or a provision of a law of another state or an  
7 offense committed on a military installation that is similar to  
8 a violation of subsection (a) of this Section.

9 (f) The imposition of a mandatory term of imprisonment or  
10 assignment of community service for a violation of this Section  
11 shall not be suspended or reduced by the court.

12 (g) Any penalty imposed for driving with a license that has  
13 been revoked for a previous violation of subsection (a) of this  
14 Section shall be in addition to the penalty imposed for any  
15 subsequent violation of subsection (a).

16 (h) For any prosecution under this Section, a certified  
17 copy of the driving abstract of the defendant shall be admitted  
18 as proof of any prior conviction.

19 (Source: P.A. 97-1150, eff. 1-25-13; 98-122, eff. 1-1-14;  
20 98-573, eff. 8-27-13; 98-756, eff. 7-16-14.)

21 (625 ILCS 5/11-501.01)

22 Sec. 11-501.01. Additional administrative sanctions.

23 (a) After a finding of guilt and prior to any final  
24 sentencing or an order for supervision, for an offense based  
25 upon an arrest for a violation of Section 11-501 or 11-508 or a

1 similar provision of a local ordinance, individuals shall be  
2 required to undergo a professional evaluation to determine if  
3 an alcohol, drug, or intoxicating compound abuse problem exists  
4 and the extent of the problem, and undergo the imposition of  
5 treatment as appropriate. Programs conducting these  
6 evaluations shall be licensed by the Department of Human  
7 Services. The cost of any professional evaluation shall be paid  
8 for by the individual required to undergo the professional  
9 evaluation.

10 (b) Any person who is found guilty of or pleads guilty to  
11 violating Section 11-501, including any person receiving a  
12 disposition of court supervision for violating that Section,  
13 may be required by the Court to attend a victim impact panel  
14 offered by, or under contract with, a county State's Attorney's  
15 office, a probation and court services department, Mothers  
16 Against Drunk Driving, or the Alliance Against Intoxicated  
17 Motorists. All costs generated by the victim impact panel shall  
18 be paid from fees collected from the offender or as may be  
19 determined by the court.

20 (c) Every person found guilty of violating Section 11-501,  
21 whose operation of a motor vehicle while in violation of that  
22 Section proximately caused any incident resulting in an  
23 appropriate emergency response, shall be liable for the expense  
24 of an emergency response as provided in subsection (i) of this  
25 Section.

26 (d) The Secretary of State shall revoke the driving

1 privileges of any person convicted under Section 11-501 or a  
2 similar provision of a local ordinance.

3 (e) The Secretary of State shall require the use of  
4 ignition interlock devices on all vehicles owned by a person  
5 who has been convicted of a second or subsequent offense of  
6 Section 11-501 or a similar provision of a local ordinance. The  
7 person must pay to the Secretary of State DUI Administration  
8 Fund an amount not to exceed \$30 for each month that he or she  
9 uses the device. The Secretary shall establish by rule and  
10 regulation the procedures for certification and use of the  
11 interlock system, the amount of the fee, and the procedures,  
12 terms, and conditions relating to these fees.

13 (f) In addition to any other penalties and liabilities, a  
14 person who is found guilty of or pleads guilty to violating  
15 Section 11-501, including any person placed on court  
16 supervision for violating Section 11-501, shall be assessed  
17 \$750, payable to the circuit clerk, who shall distribute the  
18 money as follows: \$350 to the law enforcement agency that made  
19 the arrest, and \$400 shall be forwarded to the State Treasurer  
20 for deposit into the General Revenue Fund. If the person has  
21 been previously convicted of violating Section 11-501 or a  
22 similar provision of a local ordinance, the fine shall be  
23 \$1,000, and the circuit clerk shall distribute \$200 to the law  
24 enforcement agency that made the arrest and \$800 to the State  
25 Treasurer for deposit into the General Revenue Fund. In the  
26 event that more than one agency is responsible for the arrest,

1 the amount payable to law enforcement agencies shall be shared  
2 equally. Any moneys received by a law enforcement agency under  
3 this subsection (f) shall be used for enforcement and  
4 prevention of driving while under the influence of alcohol,  
5 other drug or drugs, intoxicating compound or compounds or any  
6 combination thereof, as defined by Section 11-501 of this Code,  
7 including but not limited to the purchase of law enforcement  
8 equipment and commodities that will assist in the prevention of  
9 alcohol related criminal violence throughout the State; police  
10 officer training and education in areas related to alcohol  
11 related crime, including but not limited to DUI training; and  
12 police officer salaries, including but not limited to salaries  
13 for hire back funding for safety checkpoints, saturation  
14 patrols, and liquor store sting operations. Any moneys received  
15 by the Department of State Police under this subsection (f)  
16 shall be deposited into the State Police DUI Fund and shall be  
17 used to purchase law enforcement equipment that will assist in  
18 the prevention of alcohol related criminal violence throughout  
19 the State.

20 (g) The Secretary of State Police DUI Fund is created as a  
21 special fund in the State treasury. All moneys received by the  
22 Secretary of State Police under subsection (f) of this Section  
23 shall be deposited into the Secretary of State Police DUI Fund  
24 and, subject to appropriation, shall be used for enforcement  
25 and prevention of driving while under the influence of alcohol,  
26 other drug or drugs, intoxicating compound or compounds or any

1 combination thereof, as defined by Section 11-501 of this Code,  
2 including but not limited to the purchase of law enforcement  
3 equipment and commodities to assist in the prevention of  
4 alcohol related criminal violence throughout the State; police  
5 officer training and education in areas related to alcohol  
6 related crime, including but not limited to DUI training; and  
7 police officer salaries, including but not limited to salaries  
8 for hire back funding for safety checkpoints, saturation  
9 patrols, and liquor store sting operations.

10 (h) Whenever an individual is sentenced for an offense  
11 based upon an arrest for a violation of Section 11-501 or a  
12 similar provision of a local ordinance, and the professional  
13 evaluation recommends remedial or rehabilitative treatment or  
14 education, neither the treatment nor the education shall be the  
15 sole disposition and either or both may be imposed only in  
16 conjunction with another disposition. The court shall monitor  
17 compliance with any remedial education or treatment  
18 recommendations contained in the professional evaluation.  
19 Programs conducting alcohol or other drug evaluation or  
20 remedial education must be licensed by the Department of Human  
21 Services. If the individual is not a resident of Illinois,  
22 however, the court may accept an alcohol or other drug  
23 evaluation or remedial education program in the individual's  
24 state of residence. Programs providing treatment must be  
25 licensed under existing applicable alcoholism and drug  
26 treatment licensure standards.

1           (i) In addition to any other fine or penalty required by  
2 law, an individual convicted of a violation of Section 11-501,  
3 Section 5-7 of the Snowmobile Registration and Safety Act,  
4 Section 5-16 of the Boat Registration and Safety Act, or a  
5 similar provision, whose operation of a motor vehicle,  
6 snowmobile, or watercraft while in violation of Section 11-501,  
7 Section 5-7 of the Snowmobile Registration and Safety Act,  
8 Section 5-16 of the Boat Registration and Safety Act, or a  
9 similar provision proximately caused an incident resulting in  
10 an appropriate emergency response, shall be required to make  
11 restitution to a public agency for the costs of that emergency  
12 response. The restitution may not exceed \$1,000 per public  
13 agency for each emergency response. As used in this subsection  
14 (i), "emergency response" means any incident requiring a  
15 response by a police officer, a firefighter carried on the  
16 rolls of a regularly constituted fire department, or an  
17 ambulance. With respect to funds designated for the Department  
18 of State Police, the moneys shall be remitted by the circuit  
19 court clerk to the State Police within one month after receipt  
20 for deposit into the State Police DUI Fund. With respect to  
21 funds designated for the Department of Natural Resources, the  
22 Department of Natural Resources shall deposit the moneys into  
23 the Conservation Police Operations Assistance Fund.

24           (j) A person that is subject to a chemical test or tests of  
25 blood under subsection (a) of Section 11-501.1 or subdivision  
26 (c)(2) of Section 11-501.2 of this Code, whether or not that

1 person consents to testing, shall be liable for the expense up  
2 to \$500 for blood withdrawal by a physician authorized to  
3 practice medicine, a licensed physician assistant, a licensed  
4 advanced practice nurse, a registered nurse, a trained  
5 phlebotomist, a licensed paramedic, or a qualified person other  
6 than a police officer approved by the Department of State  
7 Police to withdraw blood, who responds, whether at a law  
8 enforcement facility or a health care facility, to a police  
9 department request for the drawing of blood based upon refusal  
10 of the person to submit to a lawfully requested breath test or  
11 probable cause exists to believe the test would disclose the  
12 ingestion, consumption, or use of drugs or intoxicating  
13 compounds if:

14 (1) the person is found guilty of violating Section  
15 11-501 of this Code or a similar provision of a local  
16 ordinance; or

17 (2) the person pleads guilty to or stipulates to facts  
18 supporting a violation of Section 11-503 of this Code or a  
19 similar provision of a local ordinance when the plea or  
20 stipulation was the result of a plea agreement in which the  
21 person was originally charged with violating Section  
22 11-501 of this Code or a similar local ordinance.

23 (Source: P.A. 97-931, eff. 1-1-13; 97-1050, eff. 1-1-13;  
24 98-292, eff. 1-1-14; 98-463, eff. 8-16-13; 98-973, eff.  
25 8-15-14.)

1 (625 ILCS 5/11-501.2) (from Ch. 95 1/2, par. 11-501.2)

2 Sec. 11-501.2. Chemical and other tests.

3 (a) Upon the trial of any civil or criminal action or  
4 proceeding arising out of an arrest for an offense as defined  
5 in Section 11-501, 11-508, or a similar local ordinance or  
6 proceedings pursuant to Section 2-118.1, evidence of the  
7 concentration of alcohol, other drug or drugs, or intoxicating  
8 compound or compounds, or any combination thereof in a person's  
9 blood or breath at the time alleged, as determined by analysis  
10 of the person's blood, urine, breath or other bodily substance,  
11 shall be admissible. Where such test is made the following  
12 provisions shall apply:

13 1. Chemical analyses of the person's blood, urine,  
14 breath or other bodily substance to be considered valid  
15 under the provisions of this Section shall have been  
16 performed according to standards promulgated by the  
17 Department of State Police by a licensed physician,  
18 registered nurse, trained phlebotomist, licensed  
19 paramedic, or other individual possessing a valid permit  
20 issued by that Department for this purpose. The Director of  
21 State Police is authorized to approve satisfactory  
22 techniques or methods, to ascertain the qualifications and  
23 competence of individuals to conduct such analyses, to  
24 issue permits which shall be subject to termination or  
25 revocation at the discretion of that Department and to  
26 certify the accuracy of breath testing equipment. The

1 Department of State Police shall prescribe regulations as  
2 necessary to implement this Section.

3 2. When a person in this State shall submit to a blood  
4 test at the request of a law enforcement officer under the  
5 provisions of Section 11-501.1, only a physician  
6 authorized to practice medicine, a licensed physician  
7 assistant, a licensed advanced practice nurse, a  
8 registered nurse, trained phlebotomist, or licensed  
9 paramedic, or other qualified person approved by the  
10 Department of State Police may withdraw blood for the  
11 purpose of determining the alcohol, drug, or alcohol and  
12 drug content therein. This limitation shall not apply to  
13 the taking of breath or urine specimens.

14 When a blood test of a person who has been taken to an  
15 adjoining state for medical treatment is requested by an  
16 Illinois law enforcement officer, the blood may be  
17 withdrawn only by a physician authorized to practice  
18 medicine in the adjoining state, a licensed physician  
19 assistant, a licensed advanced practice nurse, a  
20 registered nurse, a trained phlebotomist acting under the  
21 direction of the physician, or licensed paramedic. The law  
22 enforcement officer requesting the test shall take custody  
23 of the blood sample, and the blood sample shall be analyzed  
24 by a laboratory certified by the Department of State Police  
25 for that purpose.

26 3. The person tested may have a physician, or a

1 qualified technician, chemist, registered nurse, or other  
2 qualified person of their own choosing administer a  
3 chemical test or tests in addition to any administered at  
4 the direction of a law enforcement officer. The failure or  
5 inability to obtain an additional test by a person shall  
6 not preclude the admission of evidence relating to the test  
7 or tests taken at the direction of a law enforcement  
8 officer.

9 4. Upon the request of the person who shall submit to a  
10 chemical test or tests at the request of a law enforcement  
11 officer, full information concerning the test or tests  
12 shall be made available to the person or such person's  
13 attorney.

14 5. Alcohol concentration shall mean either grams of  
15 alcohol per 100 milliliters of blood or grams of alcohol  
16 per 210 liters of breath.

17 (a-5) Law enforcement officials may use standardized field  
18 sobriety tests approved by the National Highway Traffic Safety  
19 Administration when conducting investigations of a violation  
20 of Section 11-501 or similar local ordinance by drivers  
21 suspected of driving under the influence of cannabis. The  
22 General Assembly finds that standardized field sobriety tests  
23 approved by the National Highway Traffic Safety Administration  
24 are divided attention tasks that are intended to determine if a  
25 person is under the influence of cannabis. The purpose of these  
26 tests is to determine the effect of the use of cannabis on a

1 person's capacity to think and act with ordinary care and  
2 therefore operate a motor vehicle safely. Therefore, the  
3 results of these standardized field sobriety tests,  
4 appropriately administered, shall be admissible in the trial of  
5 any civil or criminal action or proceeding arising out of an  
6 arrest for a cannabis-related offense as defined in Section  
7 11-501 or a similar local ordinance or proceedings under  
8 Section 2-118.1. Where a test is made the following provisions  
9 shall apply:

10 1. The person tested may have a physician, or a  
11 qualified technician, chemist, registered nurse, or other  
12 qualified person of their own choosing administer a  
13 chemical test or tests in addition to the standardized  
14 field sobriety test or tests administered at the direction  
15 of a law enforcement officer. The failure or inability to  
16 obtain an additional test by a person does not preclude the  
17 admission of evidence relating to the test or tests taken  
18 at the direction of a law enforcement officer.

19 2. Upon the request of the person who shall submit to a  
20 standardized field sobriety test or tests at the request of  
21 a law enforcement officer, full information concerning the  
22 test or tests shall be made available to the person or the  
23 person's attorney.

24 3. At the trial of any civil or criminal action or  
25 proceeding arising out of an arrest for an offense as  
26 defined in Section 11-501 or a similar local ordinance or

1 proceedings under Section 2-118.1 in which the results of  
2 these standardized field sobriety tests are admitted, the  
3 cardholder may present and the trier of fact may consider  
4 evidence that the card holder lacked the physical capacity  
5 to perform the standardized field sobriety tests.

6 (b) Upon the trial of any civil or criminal action or  
7 proceeding arising out of acts alleged to have been committed  
8 by any person while driving or in actual physical control of a  
9 vehicle while under the influence of alcohol, the concentration  
10 of alcohol in the person's blood or breath at the time alleged  
11 as shown by analysis of the person's blood, urine, breath, or  
12 other bodily substance shall give rise to the following  
13 presumptions:

14 1. If there was at that time an alcohol concentration  
15 of 0.05 or less, it shall be presumed that the person was  
16 not under the influence of alcohol.

17 2. If there was at that time an alcohol concentration  
18 in excess of 0.05 but less than 0.08, such facts shall not  
19 give rise to any presumption that the person was or was not  
20 under the influence of alcohol, but such fact may be  
21 considered with other competent evidence in determining  
22 whether the person was under the influence of alcohol.

23 3. If there was at that time an alcohol concentration  
24 of 0.08 or more, it shall be presumed that the person was  
25 under the influence of alcohol.

26 4. The foregoing provisions of this Section shall not

1           be construed as limiting the introduction of any other  
2           relevant evidence bearing upon the question whether the  
3           person was under the influence of alcohol.

4           (c) 1. If a person under arrest refuses to submit to a  
5           chemical test under the provisions of Section 11-501.1,  
6           evidence of refusal shall be admissible in any civil or  
7           criminal action or proceeding arising out of acts alleged to  
8           have been committed while the person under the influence of  
9           alcohol, other drug or drugs, or intoxicating compound or  
10          compounds, or any combination thereof was driving or in actual  
11          physical control of a motor vehicle.

12          2. Notwithstanding any ability to refuse under this Code to  
13          submit to these tests or any ability to revoke the implied  
14          consent to these tests, if a law enforcement officer has  
15          probable cause to believe that a motor vehicle driven by or in  
16          actual physical control of a person under the influence of  
17          alcohol, other drug or drugs, or intoxicating compound or  
18          compounds, or any combination thereof has caused the death or  
19          personal injury to another, the law enforcement officer shall  
20          request, and that person shall submit, upon the request of a  
21          law enforcement officer, to a chemical test or tests of his or  
22          her blood, breath or urine for the purpose of determining the  
23          alcohol content thereof or the presence of any other drug or  
24          combination of both.

25          This provision does not affect the applicability of or  
26          imposition of driver's license sanctions under Section

1 11-501.1 of this Code.

2 3. For purposes of this Section, a personal injury includes  
3 any Type A injury as indicated on the traffic accident report  
4 completed by a law enforcement officer that requires immediate  
5 professional attention in either a doctor's office or a medical  
6 facility. A Type A injury includes severe bleeding wounds,  
7 distorted extremities, and injuries that require the injured  
8 party to be carried from the scene.

9 (Source: P.A. 97-450, eff. 8-19-11; 97-471, eff. 8-22-11;  
10 97-813, eff. 7-13-12; 98-122, eff. 1-1-14; 98-973, eff.  
11 8-15-14.)

12 (625 ILCS 5/11-501.4) (from Ch. 95 1/2, par. 11-501.4)

13 Sec. 11-501.4. Admissibility of chemical tests of blood or  
14 urine conducted in the regular course of providing emergency  
15 medical treatment.

16 (a) Notwithstanding any other provision of law, the results  
17 of blood or urine tests performed for the purpose of  
18 determining the content of alcohol, other drug or drugs, or  
19 intoxicating compound or compounds, or any combination  
20 thereof, of an individual's blood or urine conducted upon  
21 persons receiving medical treatment in a hospital emergency  
22 room are admissible in evidence as a business record exception  
23 to the hearsay rule only in prosecutions for any violation of  
24 Section 11-501 or 11-508 of this Code or a similar provision of  
25 a local ordinance, or in prosecutions for reckless homicide

1 brought under the Criminal Code of 1961 or the Criminal Code of  
2 2012, when each of the following criteria are met:

3 (1) the chemical tests performed upon an individual's  
4 blood or urine were ordered in the regular course of  
5 providing emergency medical treatment and not at the  
6 request of law enforcement authorities;

7 (2) the chemical tests performed upon an individual's  
8 blood or urine were performed by the laboratory routinely  
9 used by the hospital; and

10 (3) results of chemical tests performed upon an  
11 individual's blood or urine are admissible into evidence  
12 regardless of the time that the records were prepared.

13 (b) The confidentiality provisions of law pertaining to  
14 medical records and medical treatment shall not be applicable  
15 with regard to chemical tests performed upon an individual's  
16 blood or urine under the provisions of this Section in  
17 prosecutions as specified in subsection (a) of this Section. No  
18 person shall be liable for civil damages as a result of the  
19 evidentiary use of chemical testing of an individual's blood or  
20 urine test results under this Section, or as a result of that  
21 person's testimony made available under this Section.

22 (Source: P.A. 96-289, eff. 8-11-09; 97-1150, eff. 1-25-13.)

23 (625 ILCS 5/11-501.4-1)

24 Sec. 11-501.4-1. Reporting of test results of blood or  
25 urine conducted in the regular course of providing emergency

1 medical treatment.

2 (a) Notwithstanding any other provision of law, the results  
3 of blood or urine tests performed for the purpose of  
4 determining the content of alcohol, other drug or drugs, or  
5 intoxicating compound or compounds, or any combination  
6 thereof, in an individual's blood or urine conducted upon  
7 persons receiving medical treatment in a hospital emergency  
8 room for injuries resulting from a motor vehicle accident shall  
9 be disclosed to the Department of State Police or local law  
10 enforcement agencies of jurisdiction, upon request. Such blood  
11 or urine tests are admissible in evidence as a business record  
12 exception to the hearsay rule only in prosecutions for any  
13 violation of Section 11-501 or 11-508 of this Code or a similar  
14 provision of a local ordinance, or in prosecutions for reckless  
15 homicide brought under the Criminal Code of 1961 or the  
16 Criminal Code of 2012.

17 (b) The confidentiality provisions of law pertaining to  
18 medical records and medical treatment shall not be applicable  
19 with regard to tests performed upon an individual's blood or  
20 urine under the provisions of subsection (a) of this Section.  
21 No person shall be liable for civil damages or professional  
22 discipline as a result of the disclosure or reporting of the  
23 tests or the evidentiary use of an individual's blood or urine  
24 test results under this Section or Section 11-501.4 or as a  
25 result of that person's testimony made available under this  
26 Section or Section 11-501.4, except for willful or wanton

1 misconduct.

2 (Source: P.A. 97-1150, eff. 1-25-13.)

3 (625 ILCS 5/11-501.6) (from Ch. 95 1/2, par. 11-501.6)

4 Sec. 11-501.6. Driver involvement in personal injury or  
5 fatal motor vehicle accident; chemical test.

6 (a) Any person who drives or is in actual control of a  
7 motor vehicle upon the public highways of this State and who  
8 has been involved in a personal injury or fatal motor vehicle  
9 accident, shall be deemed to have given consent to a breath  
10 test using a portable device as approved by the Department of  
11 State Police or to a chemical test or tests of blood, breath,  
12 or urine for the purpose of determining the content of alcohol,  
13 other drug or drugs, or intoxicating compound or compounds of  
14 such person's blood if arrested as evidenced by the issuance of  
15 a Uniform Traffic Ticket for any violation of the Illinois  
16 Vehicle Code or a similar provision of a local ordinance, with  
17 the exception of equipment violations contained in Chapter 12  
18 of this Code, or similar provisions of local ordinances. The  
19 test or tests shall be administered at the direction of the  
20 arresting officer. The law enforcement agency employing the  
21 officer shall designate which of the aforesaid tests shall be  
22 administered. A urine test may be administered even after a  
23 blood or breath test or both has been administered. Compliance  
24 with this Section does not relieve such person from the  
25 requirements of Section 11-501.1 of this Code.

1 (b) Any person who is dead, unconscious or who is otherwise  
2 in a condition rendering such person incapable of refusal shall  
3 be deemed not to have withdrawn the consent provided by  
4 subsection (a) of this Section. In addition, if a driver of a  
5 vehicle is receiving medical treatment as a result of a motor  
6 vehicle accident, any physician licensed to practice medicine,  
7 licensed physician assistant, licensed advanced practice  
8 nurse, registered nurse or a phlebotomist acting under the  
9 direction of a licensed physician shall withdraw blood for  
10 testing purposes to ascertain the presence of alcohol, other  
11 drug or drugs, or intoxicating compound or compounds, upon the  
12 specific request of a law enforcement officer. However, no such  
13 testing shall be performed until, in the opinion of the medical  
14 personnel on scene, the withdrawal can be made without  
15 interfering with or endangering the well-being of the patient.

16 (c) A person requested to submit to a test as provided  
17 above shall be warned by the law enforcement officer requesting  
18 the test that a refusal to submit to the test, or submission to  
19 the test resulting in an alcohol concentration of 0.08 or more,  
20 or any amount of a drug, substance, or intoxicating compound  
21 resulting from the unlawful use or consumption of cannabis, as  
22 covered by the Cannabis Control Act, a controlled substance  
23 listed in the Illinois Controlled Substances Act, an  
24 intoxicating compound listed in the Use of Intoxicating  
25 Compounds Act, or methamphetamine as listed in the  
26 Methamphetamine Control and Community Protection Act as

1 detected in such person's blood or urine, may result in the  
2 suspension of such person's privilege to operate a motor  
3 vehicle and may result in the disqualification of the person's  
4 privilege to operate a commercial motor vehicle, as provided in  
5 Section 6-514 of this Code, if the person is a CDL holder. The  
6 length of the suspension shall be the same as outlined in  
7 Section 6-208.1 of this Code regarding statutory summary  
8 suspensions.

9 (d) If the person refuses testing or submits to a test  
10 which discloses an alcohol concentration of 0.08 or more, or  
11 any amount of a drug, substance, or intoxicating compound in  
12 such person's blood or urine after exhibiting other indicia  
13 that the person is incapable of driving safely resulting from  
14 the unlawful use or consumption of cannabis listed in the  
15 Cannabis Control Act, a controlled substance listed in the  
16 Illinois Controlled Substances Act, an intoxicating compound  
17 listed in the Use of Intoxicating Compounds Act, or  
18 methamphetamine as listed in the Methamphetamine Control and  
19 Community Protection Act, the law enforcement officer shall  
20 immediately submit a sworn report to the Secretary of State on  
21 a form prescribed by the Secretary, certifying that the test or  
22 tests were requested pursuant to subsection (a) and the person  
23 refused to submit to a test or tests or submitted to testing  
24 which disclosed an alcohol concentration of 0.08 or more, or  
25 any amount of a drug, substance, or intoxicating compound in  
26 such person's blood or urine, after exhibiting other indicia

1 that the person is incapable of driving safely resulting from  
2 the unlawful use or consumption of cannabis listed in the  
3 Cannabis Control Act, a controlled substance listed in the  
4 Illinois Controlled Substances Act, an intoxicating compound  
5 listed in the Use of Intoxicating Compounds Act, or  
6 methamphetamine as listed in the Methamphetamine Control and  
7 Community Protection Act.

8       Upon receipt of the sworn report of a law enforcement  
9 officer, the Secretary shall enter the suspension and  
10 disqualification to the individual's driving record and the  
11 suspension and disqualification shall be effective on the 46th  
12 day following the date notice of the suspension was given to  
13 the person.

14       The law enforcement officer submitting the sworn report  
15 shall serve immediate notice of this suspension on the person  
16 and such suspension and disqualification shall be effective on  
17 the 46th day following the date notice was given.

18       In cases where the blood alcohol concentration of 0.08 or  
19 more, or any amount of a drug, substance, or intoxicating  
20 compound after exhibiting other indicia that the person is  
21 incapable of driving safely resulting from the unlawful use or  
22 consumption of cannabis as listed in the Cannabis Control Act,  
23 a controlled substance listed in the Illinois Controlled  
24 Substances Act, an intoxicating compound listed in the Use of  
25 Intoxicating Compounds Act, or methamphetamine as listed in the  
26 Methamphetamine Control and Community Protection Act, is

1 established by a subsequent analysis of blood or urine  
2 collected at the time of arrest, the arresting officer shall  
3 give notice as provided in this Section or by deposit in the  
4 United States mail of such notice in an envelope with postage  
5 prepaid and addressed to such person at his address as shown on  
6 the Uniform Traffic Ticket and the suspension and  
7 disqualification shall be effective on the 46th day following  
8 the date notice was given.

9       Upon receipt of the sworn report of a law enforcement  
10 officer, the Secretary shall also give notice of the suspension  
11 and disqualification to the driver by mailing a notice of the  
12 effective date of the suspension and disqualification to the  
13 individual. However, should the sworn report be defective by  
14 not containing sufficient information or be completed in error,  
15 the notice of the suspension and disqualification shall not be  
16 mailed to the person or entered to the driving record, but  
17 rather the sworn report shall be returned to the issuing law  
18 enforcement agency.

19       (e) A driver may contest this suspension of his or her  
20 driving privileges and disqualification of his or her CDL  
21 privileges by requesting an administrative hearing with the  
22 Secretary in accordance with Section 2-118 of this Code. At the  
23 conclusion of a hearing held under Section 2-118 of this Code,  
24 the Secretary may rescind, continue, or modify the orders of  
25 suspension and disqualification. If the Secretary does not  
26 rescind the orders of suspension and disqualification, a

1 restricted driving permit may be granted by the Secretary upon  
2 application being made and good cause shown. A restricted  
3 driving permit may be granted to relieve undue hardship to  
4 allow driving for employment, educational, and medical  
5 purposes as outlined in Section 6-206 of this Code. The  
6 provisions of Section 6-206 of this Code shall apply. In  
7 accordance with 49 C.F.R. 384, the Secretary of State may not  
8 issue a restricted driving permit for the operation of a  
9 commercial motor vehicle to a person holding a CDL whose  
10 driving privileges have been suspended, revoked, cancelled, or  
11 disqualified.

12 (f) (Blank).

13 (g) For the purposes of this Section, a personal injury  
14 shall include any type A injury as indicated on the traffic  
15 accident report completed by a law enforcement officer that  
16 requires immediate professional attention in either a doctor's  
17 office or a medical facility. A type A injury shall include  
18 severely bleeding wounds, distorted extremities, and injuries  
19 that require the injured party to be carried from the scene.

20 (Source: P.A. 96-1344, eff. 7-1-11; 97-450, eff. 8-19-11;  
21 97-835, eff. 7-20-12.)

22 (625 ILCS 5/11-508 new)

23 Sec. 11-508. Driving with unlawful drugs in blood, breath,  
24 or urine.

25 (a) A person shall not drive or be in actual physical

1 control of any vehicle within this State while there is any  
2 amount of a drug, substance, or compound in the person's  
3 breath, blood, or urine resulting from the unlawful use or  
4 consumption of cannabis listed in the Cannabis Control Act, a  
5 controlled substance listed in the Illinois Controlled  
6 Substances Act, an intoxicating compound listed in the Use of  
7 Intoxicating Compounds Act, or methamphetamine as listed in the  
8 Methamphetamine Control and Community Protection Act.

9 (b) This Section does not apply to the lawful consumption  
10 of cannabis by a qualifying patient licensed under the  
11 Compassionate Use of Medical Cannabis Pilot Program Act who is  
12 in possession of a valid registry card issued under that Act.

13 (c) A person who violates subsection (a) of this Section is  
14 guilty of a Class B misdemeanor for a first offense and is  
15 guilty of a Class A misdemeanor for a second or subsequent  
16 offense.

17 Section 15. The Snowmobile Registration and Safety Act is  
18 amended by changing Sections 5-7 and by adding Section 5-7.7 as  
19 follows:

20 (625 ILCS 40/5-7)

21 Sec. 5-7. Operating a snowmobile while under the influence  
22 of alcohol or other drug or drugs, intoxicating compound or  
23 compounds, or a combination of them; criminal penalties;  
24 suspension of operating privileges.

1 (a) A person may not operate or be in actual physical  
2 control of a snowmobile within this State while:

3 1. The alcohol concentration in that person's blood or  
4 breath is a concentration at which driving a motor vehicle  
5 is prohibited under subdivision (1) of subsection (a) of  
6 Section 11-501 of the Illinois Vehicle Code;

7 2. The person is under the influence of alcohol;

8 3. The person is under the influence of any other drug  
9 or combination of drugs to a degree that renders that  
10 person incapable of safely operating a snowmobile;

11 3.1. The person is under the influence of any  
12 intoxicating compound or combination of intoxicating  
13 compounds to a degree that renders the person incapable of  
14 safely operating a snowmobile; or

15 4. The person is under the combined influence of  
16 alcohol and any other drug or drugs or intoxicating  
17 compound or compounds to a degree that renders that person  
18 incapable of safely operating a snowmobile. ~~;~~ ~~or~~

19 5. (Blank). ~~There is any amount of a drug, substance,~~  
20 ~~or compound in that person's breath, blood, or urine~~  
21 ~~resulting from the unlawful use or consumption of cannabis~~  
22 ~~listed in the Cannabis Control Act, controlled substance~~  
23 ~~listed in the Illinois Controlled Substances Act, or~~  
24 ~~intoxicating compound listed in the use of Intoxicating~~  
25 ~~Compounds Act.~~

26 (b) The fact that a person charged with violating this

1 Section is or has been legally entitled to use alcohol, other  
2 drug or drugs, any intoxicating compound or compounds, or any  
3 combination of them does not constitute a defense against a  
4 charge of violating this Section.

5 (c) Every person convicted of violating this Section or a  
6 similar provision of a local ordinance is guilty of a Class A  
7 misdemeanor, except as otherwise provided in this Section.

8 (c-1) As used in this Section, "first time offender" means  
9 any person who has not had a previous conviction or been  
10 assigned supervision for violating this Section or a similar  
11 provision of a local ordinance, or any person who has not had a  
12 suspension imposed under subsection (e) of Section 5-7.1.

13 (c-2) For purposes of this Section, the following are  
14 equivalent to a conviction:

15 (1) a forfeiture of bail or collateral deposited to  
16 secure a defendant's appearance in court when forfeiture  
17 has not been vacated; or

18 (2) the failure of a defendant to appear for trial.

19 (d) Every person convicted of violating this Section is  
20 guilty of a Class 4 felony if:

21 1. The person has a previous conviction under this  
22 Section;

23 2. The offense results in personal injury where a  
24 person other than the operator suffers great bodily harm or  
25 permanent disability or disfigurement, when the violation  
26 was a proximate cause of the injuries. A person guilty of a

1 Class 4 felony under this paragraph 2, if sentenced to a  
2 term of imprisonment, shall be sentenced to not less than  
3 one year nor more than 12 years; or

4 3. The offense occurred during a period in which the  
5 person's privileges to operate a snowmobile are revoked or  
6 suspended, and the revocation or suspension was for a  
7 violation of this Section or was imposed under Section  
8 5-7.1.

9 (e) Every person convicted of violating this Section is  
10 guilty of a Class 2 felony if the offense results in the death  
11 of a person. A person guilty of a Class 2 felony under this  
12 subsection (e), if sentenced to a term of imprisonment, shall  
13 be sentenced to a term of not less than 3 years and not more  
14 than 14 years.

15 (e-1) Every person convicted of violating this Section or a  
16 similar provision of a local ordinance who had a child under  
17 the age of 16 on board the snowmobile at the time of offense  
18 shall be subject to a mandatory minimum fine of \$500 and shall  
19 be subject to a mandatory minimum of 5 days of community  
20 service in a program benefiting children. The assignment under  
21 this subsection shall not be subject to suspension nor shall  
22 the person be eligible for probation in order to reduce the  
23 assignment.

24 (e-2) Every person found guilty of violating this Section,  
25 whose operation of a snowmobile while in violation of this  
26 Section proximately caused any incident resulting in an

1 appropriate emergency response, shall be liable for the expense  
2 of an emergency response as provided in subsection (i) of  
3 Section 11-501.01 of the Illinois Vehicle Code.

4 (e-3) In addition to any other penalties and liabilities, a  
5 person who is found guilty of violating this Section, including  
6 any person placed on court supervision, shall be fined \$100,  
7 payable to the circuit clerk, who shall distribute the money to  
8 the law enforcement agency that made the arrest. In the event  
9 that more than one agency is responsible for the arrest, the  
10 \$100 shall be shared equally. Any moneys received by a law  
11 enforcement agency under this subsection (e-3) shall be used to  
12 purchase law enforcement equipment or to provide law  
13 enforcement training that will assist in the prevention of  
14 alcohol related criminal violence throughout the State. Law  
15 enforcement equipment shall include, but is not limited to,  
16 in-car video cameras, radar and laser speed detection devices,  
17 and alcohol breath testers.

18 (f) In addition to any criminal penalties imposed, the  
19 Department of Natural Resources shall suspend the snowmobile  
20 operation privileges of a person convicted or found guilty of a  
21 misdemeanor under this Section for a period of one year, except  
22 that first-time offenders are exempt from this mandatory one  
23 year suspension.

24 (g) In addition to any criminal penalties imposed, the  
25 Department of Natural Resources shall suspend for a period of 5  
26 years the snowmobile operation privileges of any person

1 convicted or found guilty of a felony under this Section.

2 (Source: P.A. 95-149, eff. 8-14-07; 96-1000, eff. 7-2-10.)

3 (625 ILCS 40/5-7.7 new)

4 Sec. 5-7.7. Operating a snowmobile with unlawful drugs in  
5 blood, breath, or urine.

6 (a) A person shall not operate or be in actual physical  
7 control of a snowmobile within this State while there is any  
8 amount of a drug, substance, or compound in the person's  
9 breath, blood, or urine resulting from the unlawful use or  
10 consumption of cannabis listed in the Cannabis Control Act, a  
11 controlled substance listed in the Illinois Controlled  
12 Substances Act, an intoxicating compound listed in the Use of  
13 Intoxicating Compounds Act, or methamphetamine as listed in the  
14 Methamphetamine Control and Community Protection Act.

15 (b) This Section does not apply to the lawful consumption  
16 of cannabis by a qualifying patient licensed under the  
17 Compassionate Use of Medical Cannabis Pilot Program Act who is  
18 in possession of a valid registry card issued under that Act.

19 (c) A person who violates subsection (a) of this Section is  
20 guilty of a Class B misdemeanor for a first offense and is  
21 guilty of a Class A misdemeanor for a second or subsequent  
22 offense.

23 Section 20. The Boat Registration and Safety Act is amended  
24 by changing Sections 5-16, 5-16a, 5-16a.1, and 5-16c and by

1 adding Section 5-16d as follows:

2 (625 ILCS 45/5-16)

3 Sec. 5-16. Operating a watercraft under the influence of  
4 alcohol, other drug or drugs, intoxicating compound or  
5 compounds, or combination thereof.

6 (A) 1. A person shall not operate or be in actual physical  
7 control of any watercraft within this State while:

8 (a) The alcohol concentration in such person's  
9 blood or breath is a concentration at which driving a  
10 motor vehicle is prohibited under subdivision (1) of  
11 subsection (a) of Section 11-501 of the Illinois  
12 Vehicle Code;

13 (b) Under the influence of alcohol;

14 (c) Under the influence of any other drug or  
15 combination of drugs to a degree which renders such  
16 person incapable of safely operating any watercraft;

17 (c-1) Under the influence of any intoxicating  
18 compound or combination of intoxicating compounds to a  
19 degree that renders the person incapable of safely  
20 operating any watercraft; or

21 (d) Under the combined influence of alcohol and any  
22 other drug or drugs to a degree which renders such  
23 person incapable of safely operating a watercraft. ~~+~~ ~~or~~

24 (e) (Blank). ~~There is any amount of a drug,~~  
25 ~~substance, or compound in the person's blood or urine~~

1 ~~resulting from the unlawful use or consumption of~~  
2 ~~cannabis listed in the Cannabis Control Act, a~~  
3 ~~controlled substance listed in the Illinois Controlled~~  
4 ~~Substances Act, or an intoxicating compound listed in~~  
5 ~~the Use of Intoxicating Compounds Act.~~

6 2. The fact that any person charged with violating this  
7 Section is or has been legally entitled to use alcohol,  
8 other drug or drugs, any intoxicating compound or  
9 compounds, or any combination of them, shall not constitute  
10 a defense against any charge of violating this Section.

11 3. Every person convicted of violating this Section  
12 shall be guilty of a Class A misdemeanor, except as  
13 otherwise provided in this Section.

14 4. Every person convicted of violating this Section  
15 shall be guilty of a Class 4 felony if:

16 (a) He has a previous conviction under this  
17 Section;

18 (b) The offense results in personal injury where a  
19 person other than the operator suffers great bodily  
20 harm or permanent disability or disfigurement, when  
21 the violation was a proximate cause of the injuries. A  
22 person guilty of a Class 4 felony under this  
23 subparagraph (b), if sentenced to a term of  
24 imprisonment, shall be sentenced to a term of not less  
25 than one year nor more than 12 years; or

26 (c) The offense occurred during a period in which

1 his or her privileges to operate a watercraft are  
2 revoked or suspended, and the revocation or suspension  
3 was for a violation of this Section or was imposed  
4 under subsection (B).

5 5. Every person convicted of violating this Section  
6 shall be guilty of a Class 2 felony if the offense results  
7 in the death of a person. A person guilty of a Class 2  
8 felony under this paragraph 5, if sentenced to a term of  
9 imprisonment, shall be sentenced to a term of not less than  
10 3 years and not more than 14 years.

11 5.1. A person convicted of violating this Section or a  
12 similar provision of a local ordinance who had a child  
13 under the age of 16 aboard the watercraft at the time of  
14 offense is subject to a mandatory minimum fine of \$500 and  
15 to a mandatory minimum of 5 days of community service in a  
16 program benefiting children. The assignment under this  
17 paragraph 5.1 is not subject to suspension and the person  
18 is not eligible for probation in order to reduce the  
19 assignment.

20 5.2. A person found guilty of violating this Section,  
21 if his or her operation of a watercraft while in violation  
22 of this Section proximately caused any incident resulting  
23 in an appropriate emergency response, is liable for the  
24 expense of an emergency response as provided in subsection  
25 (m) of Section 11-501 of the Illinois Vehicle Code.

26 5.3. In addition to any other penalties and

1 liabilities, a person who is found guilty of violating this  
2 Section, including any person placed on court supervision,  
3 shall be fined \$100, payable to the circuit clerk, who  
4 shall distribute the money to the law enforcement agency  
5 that made the arrest. In the event that more than one  
6 agency is responsible for the arrest, the \$100 shall be  
7 shared equally. Any moneys received by a law enforcement  
8 agency under this paragraph 5.3 shall be used to purchase  
9 law enforcement equipment or to provide law enforcement  
10 training that will assist in the prevention of alcohol  
11 related criminal violence throughout the State. Law  
12 enforcement equipment shall include, but is not limited to,  
13 in-car video cameras, radar and laser speed detection  
14 devices, and alcohol breath testers.

15 6. (a) In addition to any criminal penalties imposed,  
16 the Department of Natural Resources shall suspend the  
17 watercraft operation privileges of any person  
18 convicted or found guilty of a misdemeanor under this  
19 Section, a similar provision of a local ordinance, or  
20 Title 46 of the U.S. Code of Federal Regulations for a  
21 period of one year, except that a first time offender  
22 is exempt from this mandatory one year suspension.

23 As used in this subdivision (A)6(a), "first time  
24 offender" means any person who has not had a previous  
25 conviction or been assigned supervision for violating  
26 this Section, a similar provision of a local ordinance

1 or, Title 46 of the U.S. Code of Federal Regulations,  
2 or any person who has not had a suspension imposed  
3 under subdivision (B)3.1 of Section 5-16.

4 (b) In addition to any criminal penalties imposed,  
5 the Department of Natural Resources shall suspend the  
6 watercraft operation privileges of any person  
7 convicted of a felony under this Section, a similar  
8 provision of a local ordinance, or Title 46 of the U.S.  
9 Code of Federal Regulations for a period of 3 years.

10 (B) 1. Any person who operates or is in actual physical  
11 control of any watercraft upon the waters of this State  
12 shall be deemed to have given consent to a chemical test or  
13 tests of blood, breath or urine for the purpose of  
14 determining the content of alcohol, other drug or drugs,  
15 intoxicating compound or compounds, or combination thereof  
16 in the person's blood if arrested for any offense of  
17 subsection (A) above. The chemical test or tests shall be  
18 administered at the direction of the arresting officer. The  
19 law enforcement agency employing the officer shall  
20 designate which of the tests shall be administered. A urine  
21 test may be administered even after a blood or breath test  
22 or both has been administered.

23 1.1. For the purposes of this Section, an Illinois Law  
24 Enforcement officer of this State who is investigating the  
25 person for any offense defined in Section 5-16 may travel  
26 into an adjoining state, where the person has been

1 transported for medical care to complete an investigation,  
2 and may request that the person submit to the test or tests  
3 set forth in this Section. The requirements of this Section  
4 that the person be arrested are inapplicable, but the  
5 officer shall issue the person a uniform citation for an  
6 offense as defined in Section 5-16 or a similar provision  
7 of a local ordinance prior to requesting that the person  
8 submit to the test or tests. The issuance of the uniform  
9 citation shall not constitute an arrest, but shall be for  
10 the purpose of notifying the person that he or she is  
11 subject to the provisions of this Section and of the  
12 officer's belief in the existence of probable cause to  
13 arrest. Upon returning to this State, the officer shall  
14 file the uniform citation with the circuit clerk of the  
15 county where the offense was committed and shall seek the  
16 issuance of an arrest warrant or a summons for the person.

17 1.2. Notwithstanding any ability to refuse under this  
18 Act to submit to these tests or any ability to revoke the  
19 implied consent to these tests, if a law enforcement  
20 officer has probable cause to believe that a watercraft  
21 operated by or under actual physical control of a person  
22 under the influence of alcohol, other drug or drugs,  
23 intoxicating compound or compounds, or any combination of  
24 them has caused the death of or personal injury to another,  
25 that person shall submit, upon the request of a law  
26 enforcement officer, to a chemical test or tests of his or

1 her blood, breath, or urine for the purpose of determining  
2 the alcohol content or the presence of any other drug,  
3 intoxicating compound, or combination of them. For the  
4 purposes of this Section, a personal injury includes severe  
5 bleeding wounds, distorted extremities, and injuries that  
6 require the injured party to be carried from the scene for  
7 immediate professional attention in either a doctor's  
8 office or a medical facility.

9 2. Any person who is dead, unconscious or who is  
10 otherwise in a condition rendering such person incapable of  
11 refusal, shall be deemed not to have withdrawn the consent  
12 provided above, and the test may be administered.

13 3. A person requested to submit to a chemical test as  
14 provided above shall be verbally advised by the law  
15 enforcement officer requesting the test that a refusal to  
16 submit to the test will result in suspension of such  
17 person's privilege to operate a watercraft for a minimum of  
18 2 years. Following this warning, if a person under arrest  
19 refuses upon the request of a law enforcement officer to  
20 submit to a test designated by the officer, no test shall  
21 be given, but the law enforcement officer shall file with  
22 the clerk of the circuit court for the county in which the  
23 arrest was made, and with the Department of Natural  
24 Resources, a sworn statement naming the person refusing to  
25 take and complete the chemical test or tests requested  
26 under the provisions of this Section. Such sworn statement

1 shall identify the arrested person, such person's current  
2 residence address and shall specify that a refusal by such  
3 person to take the chemical test or tests was made. Such  
4 sworn statement shall include a statement that the  
5 arresting officer had reasonable cause to believe the  
6 person was operating or was in actual physical control of  
7 the watercraft within this State while under the influence  
8 of alcohol, other drug or drugs, intoxicating compound or  
9 compounds, or combination thereof and that such chemical  
10 test or tests were made as an incident to and following the  
11 lawful arrest for an offense as defined in this Section or  
12 a similar provision of a local ordinance, and that the  
13 person after being arrested for an offense arising out of  
14 acts alleged to have been committed while so operating a  
15 watercraft refused to submit to and complete a chemical  
16 test or tests as requested by the law enforcement officer.

17 3.1. The law enforcement officer submitting the sworn  
18 statement as provided in paragraph 3 of this subsection (B)  
19 shall serve immediate written notice upon the person  
20 refusing the chemical test or tests that the person's  
21 privilege to operate a watercraft within this State will be  
22 suspended for a period of 2 years unless, within 28 days  
23 from the date of the notice, the person requests in writing  
24 a hearing on the suspension.

25 If the person desires a hearing, such person shall file  
26 a complaint in the circuit court for and in the county in

1           which such person was arrested for such hearing. Such  
2           hearing shall proceed in the court in the same manner as  
3           other civil proceedings, shall cover only the issues of  
4           whether the person was placed under arrest for an offense  
5           as defined in this Section or a similar provision of a  
6           local ordinance as evidenced by the issuance of a uniform  
7           citation; whether the arresting officer had reasonable  
8           grounds to believe that such person was operating a  
9           watercraft while under the influence of alcohol, other drug  
10          or drugs, intoxicating compound or compounds, or  
11          combination thereof; and whether such person refused to  
12          submit and complete the chemical test or tests upon the  
13          request of the law enforcement officer. Whether the person  
14          was informed that such person's privilege to operate a  
15          watercraft would be suspended if such person refused to  
16          submit to the chemical test or tests shall not be an issue.

17                 If the person fails to request in writing a hearing  
18                 within 28 days from the date of notice, or if a hearing is  
19                 held and the court finds against the person on the issues  
20                 before the court, the clerk shall immediately notify the  
21                 Department of Natural Resources, and the Department shall  
22                 suspend the watercraft operation privileges of the person  
23                 for at least 2 years.

24                 3.2. If the person submits to a test that discloses an  
25                 alcohol concentration of 0.08 or more, or any amount of a  
26                 drug, substance or intoxicating compound in the person's

1           breath, blood, or urine after exhibiting other indicia that  
2           the person is incapable of operating a motorboat safely  
3           resulting from the unlawful use of cannabis listed in the  
4           Cannabis Control Act, a controlled substance listed in the  
5           Illinois Controlled Substances Act, or an intoxicating  
6           compound listed in the Use of Intoxicating Compounds Act,  
7           the law enforcement officer shall immediately submit a  
8           sworn report to the circuit clerk of venue and the  
9           Department of Natural Resources, certifying that the test  
10          or tests were requested under paragraph 1 of this  
11          subsection (B) and the person submitted to testing that  
12          disclosed an alcohol concentration of 0.08 or more.

13                 In cases where the blood alcohol concentration of 0.08  
14                 or greater or any amount of drug, substance or compound  
15                 after exhibiting other indicia that the person is incapable  
16                 of operating a motorboat safely resulting from the unlawful  
17                 use of cannabis, a controlled substance or an intoxicating  
18                 compound is established by a subsequent analysis of blood  
19                 or urine collected at the time of arrest, the arresting  
20                 officer or arresting agency shall immediately submit a  
21                 sworn report to the circuit clerk of venue and the  
22                 Department of Natural Resources upon receipt of the test  
23                 results.

24                 4. A person must submit to each chemical test offered  
25                 by the law enforcement officer in order to comply with the  
26                 implied consent provisions of this Section.

1           5. The provisions of Section 11-501.2 of the Illinois  
2           Vehicle Code, as amended, concerning the certification and  
3           use of chemical tests apply to the use of such tests under  
4           this Section.

5           (C) Upon the trial of any civil or criminal action or  
6           proceeding arising out of acts alleged to have been committed  
7           by any person while operating a watercraft while under the  
8           influence of alcohol, the concentration of alcohol in the  
9           person's blood or breath at the time alleged as shown by  
10          analysis of a person's blood, urine, breath, or other bodily  
11          substance shall give rise to the presumptions specified in  
12          subdivisions 1, 2, and 3 of subsection (b) of Section 11-501.2  
13          of the Illinois Vehicle Code. The foregoing provisions of this  
14          subsection (C) shall not be construed as limiting the  
15          introduction of any other relevant evidence bearing upon the  
16          question whether the person was under the influence of alcohol.

17          (D) If a person under arrest refuses to submit to a  
18          chemical test under the provisions of this Section, evidence of  
19          refusal shall be admissible in any civil or criminal action or  
20          proceeding arising out of acts alleged to have been committed  
21          while the person under the influence of alcohol, other drug or  
22          drugs, intoxicating compound or compounds, or combination of  
23          them was operating a watercraft.

24          (E) The owner of any watercraft or any person given  
25          supervisory authority over a watercraft, may not knowingly  
26          permit a watercraft to be operated by any person under the

1 influence of alcohol, other drug or drugs, intoxicating  
2 compound or compounds, or combination thereof.

3 (F) Whenever any person is convicted or found guilty of a  
4 violation of this Section, including any person placed on court  
5 supervision, the court shall notify the Office of Law  
6 Enforcement of the Department of Natural Resources, to provide  
7 the Department with the records essential for the performance  
8 of the Department's duties to monitor and enforce any order of  
9 suspension or revocation concerning the privilege to operate a  
10 watercraft.

11 (G) No person who has been arrested and charged for  
12 violating paragraph 1 of subsection (A) of this Section shall  
13 operate any watercraft within this State for a period of 24  
14 hours after such arrest.

15 (Source: P.A. 94-214, eff. 1-1-06; 95-149, eff. 8-14-07.)

16 (625 ILCS 45/5-16a) (from Ch. 95 1/2, par. 315-11a)

17 Sec. 5-16a. Admissibility of chemical tests of blood or  
18 urine conducted in the regular course of providing emergency  
19 medical treatment.

20 (a) Notwithstanding any other provision of law, the written  
21 results of blood or urine alcohol tests conducted upon persons  
22 receiving medical treatment in a hospital emergency room are  
23 admissible in evidence as a business record exception to the  
24 hearsay rule only in prosecutions for any violation of Section  
25 5-16 or 5-16d of this Act or a similar provision of a local

1 ordinance or in prosecutions for reckless homicide brought  
2 under the Criminal Code of 1961 or the Criminal Code of 2012,  
3 when:

4 (1) the chemical tests performed upon an individual's  
5 blood or urine were ordered in the regular course of  
6 providing emergency treatment and not at the request of law  
7 enforcement authorities; and

8 (2) the chemical tests performed upon an individual's  
9 blood or urine were performed by the laboratory routinely  
10 used by the hospital.

11 Results of chemical tests performed upon an individual's  
12 blood or urine are admissible into evidence regardless of the  
13 time that the records were prepared.

14 (b) The confidentiality provisions of law pertaining to  
15 medical records and medical treatment shall not be applicable  
16 with regard to chemical tests performed upon an individual's  
17 blood or urine under the provisions of this Section in  
18 prosecutions as specified in subsection (a) of this Section. No  
19 person shall be liable for civil damages as a result of the  
20 evidentiary use of the results of chemical testing of an  
21 individual's blood or urine under this Section or as a result  
22 of that person's testimony made available under this Section.

23 (Source: P.A. 96-289, eff. 8-11-09; 97-1150, eff. 1-25-13.)

24 (625 ILCS 45/5-16a.1)

25 Sec. 5-16a.1. Reporting of test results of blood or urine

1 conducted in the regular course of providing emergency medical  
2 treatment.

3 (a) Notwithstanding any other provision of law, the results  
4 of blood or urine tests performed for the purpose of  
5 determining the content of alcohol, other drug or drugs,  
6 intoxicating compound or compounds, or any combination of them  
7 in an individual's blood or urine, conducted upon persons  
8 receiving medical treatment in a hospital emergency room for  
9 injuries resulting from a boating accident, shall be disclosed  
10 to the Department of Natural Resources or local law enforcement  
11 agencies of jurisdiction, upon request. The blood or urine  
12 tests are admissible in evidence as a business record exception  
13 to the hearsay rule only in prosecutions for violations of  
14 Section 5-16 or 5-16d of this Code or a similar provision of a  
15 local ordinance, or in prosecutions for reckless homicide  
16 brought under the Criminal Code of 1961 or the Criminal Code of  
17 2012.

18 (b) The confidentiality provisions of the law pertaining to  
19 medical records and medical treatment shall not be applicable  
20 with regard to tests performed upon an individual's blood or  
21 urine under the provisions of subsection (a) of this Section.  
22 No person is liable for civil damages or professional  
23 discipline as a result of disclosure or reporting of the tests  
24 or the evidentiary use of an individual's blood or urine test  
25 results under this Section or Section 5-16a, or as a result of  
26 that person's testimony made available under this Section or

1 Section 5-16a, except for willful or wanton misconduct.

2 (Source: P.A. 97-1150, eff. 1-25-13.)

3 (625 ILCS 45/5-16c)

4 Sec. 5-16c. Operator involvement in personal injury or  
5 fatal boating accident; chemical tests.

6 (a) Any person who operates or is in actual physical  
7 control of a motorboat within this State and who has been  
8 involved in a personal injury or fatal boating accident shall  
9 be deemed to have given consent to a breath test using a  
10 portable device as approved by the Department of State Police  
11 or to a chemical test or tests of blood, breath, or urine for  
12 the purpose of determining the content of alcohol, other drug  
13 or drugs, or intoxicating compound or compounds of the person's  
14 blood if arrested as evidenced by the issuance of a uniform  
15 citation for a violation of the Boat Registration and Safety  
16 Act or a similar provision of a local ordinance, with the  
17 exception of equipment violations contained in Article IV of  
18 this Act or similar provisions of local ordinances. The test or  
19 tests shall be administered at the direction of the arresting  
20 officer. The law enforcement agency employing the officer shall  
21 designate which of the aforesaid tests shall be administered. A  
22 urine test may be administered even after a blood or breath  
23 test or both has been administered. Compliance with this  
24 Section does not relieve the person from the requirements of  
25 any other Section of this Act.

1           (b) Any person who is dead, unconscious, or who is  
2 otherwise in a condition rendering that person incapable of  
3 refusal shall be deemed not to have withdrawn the consent  
4 provided by subsection (a) of this Section. In addition, if an  
5 operator of a motorboat is receiving medical treatment as a  
6 result of a boating accident, any physician licensed to  
7 practice medicine, licensed physician assistant, licensed  
8 advanced practice nurse, registered nurse, or a phlebotomist  
9 acting under the direction of a licensed physician shall  
10 withdraw blood for testing purposes to ascertain the presence  
11 of alcohol, other drug or drugs, or intoxicating compound or  
12 compounds, upon the specific request of a law enforcement  
13 officer. However, this testing shall not be performed until, in  
14 the opinion of the medical personnel on scene, the withdrawal  
15 can be made without interfering with or endangering the  
16 well-being of the patient.

17           (c) A person requested to submit to a test under subsection  
18 (a) of this Section shall be warned by the law enforcement  
19 officer requesting the test that a refusal to submit to the  
20 test, or submission to the test resulting in an alcohol  
21 concentration of 0.08 or more, or any amount of a drug,  
22 substance, or intoxicating compound resulting from the  
23 unlawful use or consumption of cannabis listed in the Cannabis  
24 Control Act, a controlled substance listed in the Illinois  
25 Controlled Substances Act, an intoxicating compound listed in  
26 the Use of Intoxicating Compounds Act, or methamphetamine as

1 listed in the Methamphetamine Control and Community Protection  
2 Act as detected in the person's blood or urine, may result in  
3 the suspension of the person's privilege to operate a motor  
4 vehicle and may result in the disqualification of the person's  
5 privilege to operate a commercial motor vehicle, as provided in  
6 Section 6-514 of the Illinois Vehicle Code, if the person is a  
7 CDL holder. The length of the suspension shall be the same as  
8 outlined in Section 6-208.1 of the Illinois Vehicle Code  
9 regarding statutory summary suspensions.

10 (d) If the person refuses testing or submits to a test  
11 which discloses an alcohol concentration of 0.08 or more, or  
12 any amount of a drug, substance, or intoxicating compound in  
13 the person's blood or urine after exhibiting other indicia that  
14 the person is incapable of operating a motorboat safely  
15 resulting from the unlawful use or consumption of cannabis  
16 listed in the Cannabis Control Act, a controlled substance  
17 listed in the Illinois Controlled Substances Act, an  
18 intoxicating compound listed in the Use of Intoxicating  
19 Compounds Act, or methamphetamine as listed in the  
20 Methamphetamine Control and Community Protection Act, the law  
21 enforcement officer shall immediately submit a sworn report to  
22 the Secretary of State on a form prescribed by the Secretary of  
23 State, certifying that the test or tests were requested under  
24 subsection (a) of this Section and the person refused to submit  
25 to a test or tests or submitted to testing which disclosed an  
26 alcohol concentration of 0.08 or more, or any amount of a drug,

1 substance, or intoxicating compound in the person's blood or  
2 urine, after exhibiting other indicia that the person is  
3 incapable of operating a motorboat safely resulting from the  
4 unlawful use or consumption of cannabis listed in the Cannabis  
5 Control Act, a controlled substance listed in the Illinois  
6 Controlled Substances Act, an intoxicating compound listed in  
7 the Use of Intoxicating Compounds Act, or methamphetamine as  
8 listed in the Methamphetamine Control and Community Protection  
9 Act.

10 Upon receipt of the sworn report of a law enforcement  
11 officer, the Secretary of State shall enter the suspension and  
12 disqualification to the person's driving record and the  
13 suspension and disqualification shall be effective on the 46th  
14 day following the date notice of the suspension was given to  
15 the person.

16 The law enforcement officer submitting the sworn report  
17 shall serve immediate notice of this suspension on the person  
18 and this suspension and disqualification shall be effective on  
19 the 46th day following the date notice was given.

20 In cases where the blood alcohol concentration of 0.08 or  
21 more, or any amount of a drug, substance, or intoxicating  
22 compound after exhibiting other indicia that the person is  
23 incapable of operating a motorboat safely resulting from the  
24 unlawful use or consumption of cannabis listed in the Cannabis  
25 Control Act, a controlled substance listed in the Illinois  
26 Controlled Substances Act, an intoxicating compound listed in

1 the Use of Intoxicating Compounds Act, or methamphetamine as  
2 listed in the Methamphetamine Control and Community Protection  
3 Act, is established by a subsequent analysis of blood or urine  
4 collected at the time of arrest, the arresting officer shall  
5 give notice as provided in this Section or by deposit in the  
6 United States mail of this notice in an envelope with postage  
7 prepaid and addressed to the person at his or her address as  
8 shown on the uniform citation and the suspension and  
9 disqualification shall be effective on the 46th day following  
10 the date notice was given.

11 Upon receipt of the sworn report of a law enforcement  
12 officer, the Secretary of State shall also give notice of the  
13 suspension and disqualification to the person by mailing a  
14 notice of the effective date of the suspension and  
15 disqualification to the person. However, should the sworn  
16 report be defective by not containing sufficient information or  
17 be completed in error, the notice of the suspension and  
18 disqualification shall not be mailed to the person or entered  
19 to the driving record, but rather the sworn report shall be  
20 returned to the issuing law enforcement agency.

21 (e) A person may contest this suspension of his or her  
22 driving privileges and disqualification of his or her CDL  
23 privileges by requesting an administrative hearing with the  
24 Secretary of State in accordance with Section 2-118 of the  
25 Illinois Vehicle Code. At the conclusion of a hearing held  
26 under Section 2-118 of the Illinois Vehicle Code, the Secretary

1 of State may rescind, continue, or modify the orders of  
2 suspension and disqualification. If the Secretary of State does  
3 not rescind the orders of suspension and disqualification, a  
4 restricted driving permit may be granted by the Secretary of  
5 State upon application being made and good cause shown. A  
6 restricted driving permit may be granted to relieve undue  
7 hardship to allow driving for employment, educational, and  
8 medical purposes as outlined in Section 6-206 of the Illinois  
9 Vehicle Code. The provisions of Section 6-206 of the Illinois  
10 Vehicle Code shall apply. In accordance with 49 C.F.R. 384, the  
11 Secretary of State may not issue a restricted driving permit  
12 for the operation of a commercial motor vehicle to a person  
13 holding a CDL whose driving privileges have been suspended,  
14 revoked, cancelled, or disqualified.

15 (f) For the purposes of this Section, a personal injury  
16 shall include any type A injury as indicated on the accident  
17 report completed by a law enforcement officer that requires  
18 immediate professional attention in a doctor's office or a  
19 medical facility. A type A injury shall include severely  
20 bleeding wounds, distorted extremities, and injuries that  
21 require the injured party to be carried from the scene.

22 (Source: P.A. 98-103, eff. 1-1-14.)

23 (625 ILCS 45/5-16d new)

24 Sec. 5-16d. Operating a watercraft with unlawful drugs in  
25 blood, breath, or urine.

1       (a) A person shall not operate or be in actual physical  
2       control of a watercraft within this State while there is any  
3       amount of a drug, substance, or compound in the person's  
4       breath, blood, or urine resulting from the unlawful use or  
5       consumption of cannabis listed in the Cannabis Control Act, a  
6       controlled substance listed in the Illinois Controlled  
7       Substances Act, an intoxicating compound listed in the Use of  
8       Intoxicating Compounds Act, or methamphetamine as listed in the  
9       Methamphetamine Control and Community Protection Act.

10       (b) This Section does not apply to the lawful consumption  
11       of cannabis by a qualifying patient licensed under the  
12       Compassionate Use of Medical Cannabis Pilot Program Act who is  
13       in possession of a valid registry card issued under that Act.

14       (c) A person who violates subsection (a) of this Section is  
15       guilty of a Class B misdemeanor for a first offense and is  
16       guilty of a Class A misdemeanor for a second or subsequent  
17       offense.

18       Section 25. The Unified Code of Corrections is amended by  
19       changing Sections 5-4-1 and 5-9-1.9 as follows:

20       (730 ILCS 5/5-4-1) (from Ch. 38, par. 1005-4-1)

21       Sec. 5-4-1. Sentencing Hearing.

22       (a) Except when the death penalty is sought under hearing  
23       procedures otherwise specified, after a determination of  
24       guilt, a hearing shall be held to impose the sentence. However,

1 prior to the imposition of sentence on an individual being  
2 sentenced for an offense based upon a charge for a violation of  
3 Section 11-501 or 11-508 of the Illinois Vehicle Code or a  
4 similar provision of a local ordinance, the individual must  
5 undergo a professional evaluation to determine if an alcohol or  
6 other drug abuse problem exists and the extent of such a  
7 problem. Programs conducting these evaluations shall be  
8 licensed by the Department of Human Services. However, if the  
9 individual is not a resident of Illinois, the court may, in its  
10 discretion, accept an evaluation from a program in the state of  
11 such individual's residence. The court may in its sentencing  
12 order approve an eligible defendant for placement in a  
13 Department of Corrections impact incarceration program as  
14 provided in Section 5-8-1.1 or 5-8-1.3. The court may in its  
15 sentencing order recommend a defendant for placement in a  
16 Department of Corrections substance abuse treatment program as  
17 provided in paragraph (a) of subsection (1) of Section 3-2-2  
18 conditioned upon the defendant being accepted in a program by  
19 the Department of Corrections. At the hearing the court shall:

20 (1) consider the evidence, if any, received upon the  
21 trial;

22 (2) consider any presentence reports;

23 (3) consider the financial impact of incarceration  
24 based on the financial impact statement filed with the  
25 clerk of the court by the Department of Corrections;

26 (4) consider evidence and information offered by the

1 parties in aggravation and mitigation;

2 (4.5) consider substance abuse treatment, eligibility  
3 screening, and an assessment, if any, of the defendant by  
4 an agent designated by the State of Illinois to provide  
5 assessment services for the Illinois courts;

6 (5) hear arguments as to sentencing alternatives;

7 (6) afford the defendant the opportunity to make a  
8 statement in his own behalf;

9 (7) afford the victim of a violent crime or a violation  
10 of Section 11-501 of the Illinois Vehicle Code, or a  
11 similar provision of a local ordinance, or a qualified  
12 individual affected by: (i) a violation of Section 405,  
13 405.1, 405.2, or 407 of the Illinois Controlled Substances  
14 Act or a violation of Section 55 or Section 65 of the  
15 Methamphetamine Control and Community Protection Act, or  
16 (ii) a Class 4 felony violation of Section 11-14, 11-14.3  
17 except as described in subdivisions (a)(2)(A) and  
18 (a)(2)(B), 11-15, 11-17, 11-18, 11-18.1, or 11-19 of the  
19 Criminal Code of 1961 or the Criminal Code of 2012,  
20 committed by the defendant the opportunity to make a  
21 statement concerning the impact on the victim and to offer  
22 evidence in aggravation or mitigation; provided that the  
23 statement and evidence offered in aggravation or  
24 mitigation must first be prepared in writing in conjunction  
25 with the State's Attorney before it may be presented orally  
26 at the hearing. Any sworn testimony offered by the victim

1 is subject to the defendant's right to cross-examine. All  
2 statements and evidence offered under this paragraph (7)  
3 shall become part of the record of the court. For the  
4 purpose of this paragraph (7), "qualified individual"  
5 means any person who (i) lived or worked within the  
6 territorial jurisdiction where the offense took place when  
7 the offense took place; and (ii) is familiar with various  
8 public places within the territorial jurisdiction where  
9 the offense took place when the offense took place. For the  
10 purposes of this paragraph (7), "qualified individual"  
11 includes any peace officer, or any member of any duly  
12 organized State, county, or municipal peace unit assigned  
13 to the territorial jurisdiction where the offense took  
14 place when the offense took place;

15 (8) in cases of reckless homicide afford the victim's  
16 spouse, guardians, parents or other immediate family  
17 members an opportunity to make oral statements;

18 (9) in cases involving a felony sex offense as defined  
19 under the Sex Offender Management Board Act, consider the  
20 results of the sex offender evaluation conducted pursuant  
21 to Section 5-3-2 of this Act; and

22 (10) make a finding of whether a motor vehicle was used  
23 in the commission of the offense for which the defendant is  
24 being sentenced.

25 (b) All sentences shall be imposed by the judge based upon  
26 his independent assessment of the elements specified above and

1 any agreement as to sentence reached by the parties. The judge  
2 who presided at the trial or the judge who accepted the plea of  
3 guilty shall impose the sentence unless he is no longer sitting  
4 as a judge in that court. Where the judge does not impose  
5 sentence at the same time on all defendants who are convicted  
6 as a result of being involved in the same offense, the  
7 defendant or the State's Attorney may advise the sentencing  
8 court of the disposition of any other defendants who have been  
9 sentenced.

10 (c) In imposing a sentence for a violent crime or for an  
11 offense of operating or being in physical control of a vehicle  
12 while under the influence of alcohol, any other drug or any  
13 combination thereof, or a similar provision of a local  
14 ordinance, when such offense resulted in the personal injury to  
15 someone other than the defendant, the trial judge shall specify  
16 on the record the particular evidence, information, factors in  
17 mitigation and aggravation or other reasons that led to his  
18 sentencing determination. The full verbatim record of the  
19 sentencing hearing shall be filed with the clerk of the court  
20 and shall be a public record.

21 (c-1) In imposing a sentence for the offense of aggravated  
22 kidnapping for ransom, home invasion, armed robbery,  
23 aggravated vehicular hijacking, aggravated discharge of a  
24 firearm, or armed violence with a category I weapon or category  
25 II weapon, the trial judge shall make a finding as to whether  
26 the conduct leading to conviction for the offense resulted in

1 great bodily harm to a victim, and shall enter that finding and  
2 the basis for that finding in the record.

3 (c-2) If the defendant is sentenced to prison, other than  
4 when a sentence of natural life imprisonment or a sentence of  
5 death is imposed, at the time the sentence is imposed the judge  
6 shall state on the record in open court the approximate period  
7 of time the defendant will serve in custody according to the  
8 then current statutory rules and regulations for sentence  
9 credit found in Section 3-6-3 and other related provisions of  
10 this Code. This statement is intended solely to inform the  
11 public, has no legal effect on the defendant's actual release,  
12 and may not be relied on by the defendant on appeal.

13 The judge's statement, to be given after pronouncing the  
14 sentence, other than when the sentence is imposed for one of  
15 the offenses enumerated in paragraph (a)(3) of Section 3-6-3,  
16 shall include the following:

17 "The purpose of this statement is to inform the public of  
18 the actual period of time this defendant is likely to spend in  
19 prison as a result of this sentence. The actual period of  
20 prison time served is determined by the statutes of Illinois as  
21 applied to this sentence by the Illinois Department of  
22 Corrections and the Illinois Prisoner Review Board. In this  
23 case, assuming the defendant receives all of his or her  
24 sentence credit, the period of estimated actual custody is ...  
25 years and ... months, less up to 180 days additional sentence  
26 credit for good conduct. If the defendant, because of his or

1 her own misconduct or failure to comply with the institutional  
2 regulations, does not receive those credits, the actual time  
3 served in prison will be longer. The defendant may also receive  
4 an additional one-half day sentence credit for each day of  
5 participation in vocational, industry, substance abuse, and  
6 educational programs as provided for by Illinois statute."

7 When the sentence is imposed for one of the offenses  
8 enumerated in paragraph (a)(3) of Section 3-6-3, other than  
9 when the sentence is imposed for one of the offenses enumerated  
10 in paragraph (a)(2) of Section 3-6-3 committed on or after June  
11 19, 1998, and other than when the sentence is imposed for  
12 reckless homicide as defined in subsection (e) of Section 9-3  
13 of the Criminal Code of 1961 or the Criminal Code of 2012 if  
14 the offense was committed on or after January 1, 1999, and  
15 other than when the sentence is imposed for aggravated arson if  
16 the offense was committed on or after July 27, 2001 (the  
17 effective date of Public Act 92-176), and other than when the  
18 sentence is imposed for aggravated driving under the influence  
19 of alcohol, other drug or drugs, or intoxicating compound or  
20 compounds, or any combination thereof as defined in  
21 subparagraph (C) of paragraph (1) of subsection (d) of Section  
22 11-501 of the Illinois Vehicle Code committed on or after  
23 January 1, 2011 (the effective date of Public Act 96-1230), the  
24 judge's statement, to be given after pronouncing the sentence,  
25 shall include the following:

26 "The purpose of this statement is to inform the public of

1 the actual period of time this defendant is likely to spend in  
2 prison as a result of this sentence. The actual period of  
3 prison time served is determined by the statutes of Illinois as  
4 applied to this sentence by the Illinois Department of  
5 Corrections and the Illinois Prisoner Review Board. In this  
6 case, assuming the defendant receives all of his or her  
7 sentence credit, the period of estimated actual custody is ...  
8 years and ... months, less up to 90 days additional sentence  
9 credit for good conduct. If the defendant, because of his or  
10 her own misconduct or failure to comply with the institutional  
11 regulations, does not receive those credits, the actual time  
12 served in prison will be longer. The defendant may also receive  
13 an additional one-half day sentence credit for each day of  
14 participation in vocational, industry, substance abuse, and  
15 educational programs as provided for by Illinois statute."

16 When the sentence is imposed for one of the offenses  
17 enumerated in paragraph (a)(2) of Section 3-6-3, other than  
18 first degree murder, and the offense was committed on or after  
19 June 19, 1998, and when the sentence is imposed for reckless  
20 homicide as defined in subsection (e) of Section 9-3 of the  
21 Criminal Code of 1961 or the Criminal Code of 2012 if the  
22 offense was committed on or after January 1, 1999, and when the  
23 sentence is imposed for aggravated driving under the influence  
24 of alcohol, other drug or drugs, or intoxicating compound or  
25 compounds, or any combination thereof as defined in  
26 subparagraph (F) of paragraph (1) of subsection (d) of Section

1 11-501 of the Illinois Vehicle Code, and when the sentence is  
2 imposed for aggravated arson if the offense was committed on or  
3 after July 27, 2001 (the effective date of Public Act 92-176),  
4 and when the sentence is imposed for aggravated driving under  
5 the influence of alcohol, other drug or drugs, or intoxicating  
6 compound or compounds, or any combination thereof as defined in  
7 subparagraph (C) of paragraph (1) of subsection (d) of Section  
8 11-501 of the Illinois Vehicle Code committed on or after  
9 January 1, 2011 (the effective date of Public Act 96-1230), the  
10 judge's statement, to be given after pronouncing the sentence,  
11 shall include the following:

12 "The purpose of this statement is to inform the public of  
13 the actual period of time this defendant is likely to spend in  
14 prison as a result of this sentence. The actual period of  
15 prison time served is determined by the statutes of Illinois as  
16 applied to this sentence by the Illinois Department of  
17 Corrections and the Illinois Prisoner Review Board. In this  
18 case, the defendant is entitled to no more than 4 1/2 days of  
19 sentence credit for each month of his or her sentence of  
20 imprisonment. Therefore, this defendant will serve at least 85%  
21 of his or her sentence. Assuming the defendant receives 4 1/2  
22 days credit for each month of his or her sentence, the period  
23 of estimated actual custody is ... years and ... months. If the  
24 defendant, because of his or her own misconduct or failure to  
25 comply with the institutional regulations receives lesser  
26 credit, the actual time served in prison will be longer."

1           When a sentence of imprisonment is imposed for first degree  
2 murder and the offense was committed on or after June 19, 1998,  
3 the judge's statement, to be given after pronouncing the  
4 sentence, shall include the following:

5           "The purpose of this statement is to inform the public of  
6 the actual period of time this defendant is likely to spend in  
7 prison as a result of this sentence. The actual period of  
8 prison time served is determined by the statutes of Illinois as  
9 applied to this sentence by the Illinois Department of  
10 Corrections and the Illinois Prisoner Review Board. In this  
11 case, the defendant is not entitled to sentence credit.  
12 Therefore, this defendant will serve 100% of his or her  
13 sentence."

14           When the sentencing order recommends placement in a  
15 substance abuse program for any offense that results in  
16 incarceration in a Department of Corrections facility and the  
17 crime was committed on or after September 1, 2003 (the  
18 effective date of Public Act 93-354), the judge's statement, in  
19 addition to any other judge's statement required under this  
20 Section, to be given after pronouncing the sentence, shall  
21 include the following:

22           "The purpose of this statement is to inform the public of  
23 the actual period of time this defendant is likely to spend in  
24 prison as a result of this sentence. The actual period of  
25 prison time served is determined by the statutes of Illinois as  
26 applied to this sentence by the Illinois Department of

1 Corrections and the Illinois Prisoner Review Board. In this  
2 case, the defendant shall receive no sentence credit for good  
3 conduct under clause (3) of subsection (a) of Section 3-6-3  
4 until he or she participates in and completes a substance abuse  
5 treatment program or receives a waiver from the Director of  
6 Corrections pursuant to clause (4.5) of subsection (a) of  
7 Section 3-6-3."

8 (c-4) Before the sentencing hearing and as part of the  
9 presentence investigation under Section 5-3-1, the court shall  
10 inquire of the defendant whether the defendant is currently  
11 serving in or is a veteran of the Armed Forces of the United  
12 States. If the defendant is currently serving in the Armed  
13 Forces of the United States or is a veteran of the Armed Forces  
14 of the United States and has been diagnosed as having a mental  
15 illness by a qualified psychiatrist or clinical psychologist or  
16 physician, the court may:

17 (1) order that the officer preparing the presentence  
18 report consult with the United States Department of  
19 Veterans Affairs, Illinois Department of Veterans'  
20 Affairs, or another agency or person with suitable  
21 knowledge or experience for the purpose of providing the  
22 court with information regarding treatment options  
23 available to the defendant, including federal, State, and  
24 local programming; and

25 (2) consider the treatment recommendations of any  
26 diagnosing or treating mental health professionals

1 together with the treatment options available to the  
2 defendant in imposing sentence.

3 For the purposes of this subsection (c-4), "qualified  
4 psychiatrist" means a reputable physician licensed in Illinois  
5 to practice medicine in all its branches, who has specialized  
6 in the diagnosis and treatment of mental and nervous disorders  
7 for a period of not less than 5 years.

8 (c-6) In imposing a sentence, the trial judge shall  
9 specify, on the record, the particular evidence and other  
10 reasons which led to his or her determination that a motor  
11 vehicle was used in the commission of the offense.

12 (d) When the defendant is committed to the Department of  
13 Corrections, the State's Attorney shall and counsel for the  
14 defendant may file a statement with the clerk of the court to  
15 be transmitted to the department, agency or institution to  
16 which the defendant is committed to furnish such department,  
17 agency or institution with the facts and circumstances of the  
18 offense for which the person was committed together with all  
19 other factual information accessible to them in regard to the  
20 person prior to his commitment relative to his habits,  
21 associates, disposition and reputation and any other facts and  
22 circumstances which may aid such department, agency or  
23 institution during its custody of such person. The clerk shall  
24 within 10 days after receiving any such statements transmit a  
25 copy to such department, agency or institution and a copy to  
26 the other party, provided, however, that this shall not be

1 cause for delay in conveying the person to the department,  
2 agency or institution to which he has been committed.

3 (e) The clerk of the court shall transmit to the  
4 department, agency or institution, if any, to which the  
5 defendant is committed, the following:

6 (1) the sentence imposed;

7 (2) any statement by the court of the basis for  
8 imposing the sentence;

9 (3) any presentence reports;

10 (3.5) any sex offender evaluations;

11 (3.6) any substance abuse treatment eligibility  
12 screening and assessment of the defendant by an agent  
13 designated by the State of Illinois to provide assessment  
14 services for the Illinois courts;

15 (4) the number of days, if any, which the defendant has  
16 been in custody and for which he is entitled to credit  
17 against the sentence, which information shall be provided  
18 to the clerk by the sheriff;

19 (4.1) any finding of great bodily harm made by the  
20 court with respect to an offense enumerated in subsection  
21 (c-1);

22 (5) all statements filed under subsection (d) of this  
23 Section;

24 (6) any medical or mental health records or summaries  
25 of the defendant;

26 (7) the municipality where the arrest of the offender

1 or the commission of the offense has occurred, where such  
2 municipality has a population of more than 25,000 persons;

3 (8) all statements made and evidence offered under  
4 paragraph (7) of subsection (a) of this Section; and

5 (9) all additional matters which the court directs the  
6 clerk to transmit.

7 (f) In cases in which the court finds that a motor vehicle  
8 was used in the commission of the offense for which the  
9 defendant is being sentenced, the clerk of the court shall,  
10 within 5 days thereafter, forward a report of such conviction  
11 to the Secretary of State.

12 (Source: P.A. 96-86, eff. 1-1-10; 96-1180, eff. 1-1-11;  
13 96-1230, eff. 1-1-11; 96-1551, eff. 7-1-11; 97-333, eff.  
14 8-12-11; 97-697, eff. 6-22-12; 97-1150, eff. 1-25-13.)

15 (730 ILCS 5/5-9-1.9)

16 Sec. 5-9-1.9. DUI analysis fee.

17 (a) "Crime laboratory" means a not-for-profit laboratory  
18 substantially funded by a single unit or combination of units  
19 of local government or the State of Illinois that regularly  
20 employs at least one person engaged in the DUI analysis of  
21 blood and urine for criminal justice agencies in criminal  
22 matters and provides testimony with respect to such  
23 examinations.

24 "DUI analysis" means an analysis of blood or urine for  
25 purposes of determining whether a violation of Section 11-501

1 or 11-508 of the Illinois Vehicle Code has occurred.

2 (b) When a person has been adjudged guilty of an offense in  
3 violation of Section 11-501 or 11-508 of the Illinois Vehicle  
4 Code, in addition to any other disposition, penalty, or fine  
5 imposed, a crime laboratory DUI analysis fee of \$150 for each  
6 offense for which the person was convicted shall be levied by  
7 the court for each case in which a laboratory analysis  
8 occurred. Upon verified petition of the person, the court may  
9 suspend payment of all or part of the fee if it finds that the  
10 person does not have the ability to pay the fee.

11 (c) In addition to any other disposition made under the  
12 provisions of the Juvenile Court Act of 1987, any minor  
13 adjudicated delinquent for an offense which if committed by an  
14 adult would constitute a violation of Section 11-501 or 11-508  
15 of the Illinois Vehicle Code shall be assessed a crime  
16 laboratory DUI analysis fee of \$150 for each adjudication. Upon  
17 verified petition of the minor, the court may suspend payment  
18 of all or part of the fee if it finds that the minor does not  
19 have the ability to pay the fee. The parent, guardian, or legal  
20 custodian of the minor may pay some or all of the fee on the  
21 minor's behalf.

22 (d) All crime laboratory DUI analysis fees provided for by  
23 this Section shall be collected by the clerk of the court and  
24 forwarded to the appropriate crime laboratory DUI fund as  
25 provided in subsection (f).

26 (e) Crime laboratory funds shall be established as follows:

1           (1) A unit of local government that maintains a crime  
2           laboratory may establish a crime laboratory DUI fund within  
3           the office of the county or municipal treasurer.

4           (2) Any combination of units of local government that  
5           maintains a crime laboratory may establish a crime  
6           laboratory DUI fund within the office of the treasurer of  
7           the county where the crime laboratory is situated.

8           (3) The State Police DUI Fund is created as a special  
9           fund in the State Treasury.

10          (f) The analysis fee provided for in subsections (b) and  
11          (c) of this Section shall be forwarded to the office of the  
12          treasurer of the unit of local government that performed the  
13          analysis if that unit of local government has established a  
14          crime laboratory DUI fund, or to the State Treasurer for  
15          deposit into the State Police DUI Fund if the analysis was  
16          performed by a laboratory operated by the Department of State  
17          Police. If the analysis was performed by a crime laboratory  
18          funded by a combination of units of local government, the  
19          analysis fee shall be forwarded to the treasurer of the county  
20          where the crime laboratory is situated if a crime laboratory  
21          DUI fund has been established in that county. If the unit of  
22          local government or combination of units of local government  
23          has not established a crime laboratory DUI fund, then the  
24          analysis fee shall be forwarded to the State Treasurer for  
25          deposit into the State Police DUI Fund. The clerk of the  
26          circuit court may retain the amount of \$10 from each collected

1 analysis fee to offset administrative costs incurred in  
2 carrying out the clerk's responsibilities under this Section.

3 (g) Fees deposited into a crime laboratory DUI fund created  
4 under paragraphs (1) and (2) of subsection (e) of this Section  
5 shall be in addition to any allocations made pursuant to  
6 existing law and shall be designated for the exclusive use of  
7 the crime laboratory. These uses may include, but are not  
8 limited to, the following:

9 (1) Costs incurred in providing analysis for DUI  
10 investigations conducted within this State.

11 (2) Purchase and maintenance of equipment for use in  
12 performing analyses.

13 (3) Continuing education, training, and professional  
14 development of forensic scientists regularly employed by  
15 these laboratories.

16 (h) Fees deposited in the State Police DUI Fund created  
17 under paragraph (3) of subsection (e) of this Section shall be  
18 used by State crime laboratories as designated by the Director  
19 of State Police. These funds shall be in addition to any  
20 allocations made according to existing law and shall be  
21 designated for the exclusive use of State crime laboratories.  
22 These uses may include those enumerated in subsection (g) of  
23 this Section.

24 (Source: P.A. 91-822, eff. 6-13-00.)

1

## INDEX

2

## Statutes amended in order of appearance

3 20 ILCS 2630/5 from Ch. 38, par. 206-5  
4 625 ILCS 5/2-118.1 from Ch. 95 1/2, par. 2-118.1  
5 625 ILCS 5/6-206  
6 625 ILCS 5/6-208.1 from Ch. 95 1/2, par. 6-208.1  
7 625 ILCS 5/11-500 from Ch. 95 1/2, par. 11-500  
8 625 ILCS 5/11-501 from Ch. 95 1/2, par. 11-501  
9 625 ILCS 5/11-501.01  
10 625 ILCS 5/11-501.2 from Ch. 95 1/2, par. 11-501.2  
11 625 ILCS 5/11-501.4 from Ch. 95 1/2, par. 11-501.4  
12 625 ILCS 5/11-501.4-1  
13 625 ILCS 5/11-501.6 from Ch. 95 1/2, par. 11-501.6  
14 625 ILCS 5/11-508 new  
15 625 ILCS 40/5-7  
16 625 ILCS 40/5-7.7 new  
17 625 ILCS 45/5-16  
18 625 ILCS 45/5-16a from Ch. 95 1/2, par. 315-11a  
19 625 ILCS 45/5-16a.1  
20 625 ILCS 45/5-16c  
21 625 ILCS 45/5-16d new  
22 730 ILCS 5/5-4-1 from Ch. 38, par. 1005-4-1  
23 730 ILCS 5/5-9-1.9